

RUNNING HEAD: EXPLORING ASPECTS OF VULNERABILITY IN THE CONTEXT OF  
HUMAN TRAFFICKING AMONG FEMALE KENYAN INTERNATIONAL LABOR  
MIGRANTS

Exploring Aspects of Vulnerability in the Context of Human Trafficking among  
Female Kenyan International Labor Migrants

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### **Abstract**

Human trafficking is a severe crime affecting millions of people around the world, who are exploited for the sexual or monetary gain of their abusers. Positioned in a strategic location at the Horn of Africa, Kenya presents a hub for the trafficking of persons through, from and into the country. Making use of a sample of 10 known international human trafficking victims, and contextualizing their accounts with related secondary data, this paper seeks to explore aspects of vulnerability in relation to the trafficking of female Kenyan international labor migrants.

In relation to awareness of human trafficking it was found that there is no clear link between lack of knowledge of the practice and being trafficked, but that certain groups may profit from targeted awareness creation in the simultaneous absence of pressing socio-economic factors to migrate.

Monetary reasons formed a major aspect of the participants' vulnerability to human trafficking. Even though the degrees varied from one interviewee to the next, the female migrant workers faced great economic pressure due to low or irregular income, or because of loss of work. In the absence of attractive labor market opportunities in Kenya, migration presented a chance for social upwards mobility of the migrant, their households and families.

Kenyan migrant women face vulnerability to human trafficking because their bodies serve to satisfy international demand for prostitution. In addition, rigid gender constructs inhibit their chances of obtaining adequate education in order to be able to penetrate the formal labor market. Domestic servitude predominantly affects women because their role in society is usually that of the homemaker and caretaker. Racist attitudes, moreover, must be seen as a driving force in relation to the physical and verbal abuse Kenyan migrant women suffer in relation to the crime.

The process of human trafficking starts with a person of first contact (PoFC), who is the individual who first makes the victim of trafficking aware of a job opportunity. However, not every PoFC is necessarily a recruiter in the context of human trafficking, as they can be recruits of trafficking themselves, or as they might simply be forwarding information they deem useful to friends and family.

Recruitment agencies pose a threat to vulnerable persons due to their business models. Labor migrants are held in a situation of contract bondage, as recruitment agencies advance the

costs for their travel, but then use this to enforce fulfillment of the agreement at the threat of the migrant having to re-pay the fees, for which they normally do not have money.

Vulnerability to human trafficking is resolved as the victim flees from the destination country. The flight from the abusive employer can be a planned act or may occur spontaneously, as a result of a violent escalation. Where escape is a planned act, it normally involves the engagement of another person in Kenya or in the destination country for help.

Human trafficking is a prolific act in that it can occur to the same person multiple times, whereas in other cases the trafficking of a person can lead to the creation of vulnerability for individuals in the victim's environment. For instance, recruiters who know that a victim has returned empty-handed may offer her money in exchange for recruitment of other persons.

The Kenyan government has taken substantive legislative steps to curb human trafficking, but in doing so may not always work with the required accuracy. Furthermore, decisive bilateral action was frequently prevented by economic interest, which may supersede the importance of victim protection, and thereby be exposing labor migrants to discriminatory and restrictive labor and immigration laws.

Vulnerability is also the result of failure to protect. Institutional commitment to victim protection and assistance is low. Corruption and lack of mandatory procedures in political ministries and law enforcement are further culprits of Kenyan labor migrants falling victim to human trafficking, or remaining vulnerable in the face of the crime.

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## **Introduction**

### **On the topic of human trafficking**

Sub-Saharan Africa is one of the most affected regions in the world with regards to human trafficking. The region is known for its extensive profile of mixed migration patterns, which include high amounts of documented and undocumented labor migration, internally displaced persons and refugees. Human trafficking is just one further aspect which leads to increasing amounts of migration, especially for marriage, prostitution and non-sexual forms of low-skilled labor such as construction work, taxi driving and domestic work. As NGOs and mass media working in the region increasingly rung the alarm bell on human trafficking during the 1990, especially on forced prostitution of women and girls, African governments started to take notice of the issue and started condemning it. It would take until the year 2000 until the international community found a legal response to human trafficking in the form of the “Protocol to Prevent, Suppress and Punish Trafficking in Persons”. Depending on the exact regional context, many persons in African countries today are still unaware of human trafficking, do not have a precise understanding of what it constitutes or do not ascribe great importance to it (Adepoju, 2005, pp. 75-76).

East Africa, and especially, Kenya are a hub for human trafficking (US Department of State, 2016, p. 224). The countries present source, destination and transit countries of international human trafficking, but they also record high levels of internal trafficking of their citizens as well as of refugees. In the Kenyan context, international human trafficking has in recent years gained increasing attention, especially due to rampant abuse committed against domestic workers and other casual laborers working in the Middle East and North Africa (MENA) region. A large amount of Kenyan human trafficking victims is said to live and work in the Gulf countries, especially Saudi-Arabia, Qatar and the United Arab Emirates where up to 300,000 Kenyans are thought to reside as of today (Malit & Youha, 2016, p. 6). International human trafficking occurs due to a number of reasons, above all, because of income disparities between source and destination countries. Demand for cheap labor is a major pull factor, which is met by push factors such as lack of access to official labor market jobs for low-skilled workers (International Organization for Migration, 2008, pp. 7-13). Even though Kenya, Ethiopia and

other countries in the region have responded to this development, going as far as imposing travel bans in the process, the issue still appears unresolved as such regulations are simply bypassed by migrants, as well as criminal syndicates who sell migrant workers to abusive employers abroad (Malit & Youha, 2016, pp. 12-13).

Human trafficking is a phenomenon that actually describes a number of different crimes that all have in common the exploitation of vulnerable persons for the purpose of monetary, sexual or other gain of the offenders. Although this sounds fairly simple, human trafficking is a vastly complex issue from a legal and conceptual point of view, as will be addressed in the theoretical framework of this paper. On the most generic level, and based on its legal definition, the offence of human trafficking can be characterized as having three different possible outcomes:

- (Non-sexually motivated) Labor exploitation: including forced labor, slavery, acts similar to slavery (e.g. debt bondage) and (domestic) servitude
- Sexual exploitation: including forced prostitution and similar acts, as well as forced marriage (these are sometimes also classified as sexual forms of labor exploitation)
- Organ harvesting: the illegal trade in organs for either medical or religious (sacrificial) purposes

It is important to note that there can be overlap between sexual and non-sexual forms of exploitation. For instance, a woman who falls victim to domestic servitude and finds herself confined, can also be subject to abuse by opportunistic offenders.

Human traffickers make use of different means to seize control over their victims. The most common occurrence in the early stages of trafficking is the deception of the victim through a recruiter. Although abduction of persons occurs as well, victims are more frequently misled about the character of the work they are supposed to perform, the reason and actual location of their migration, and the possible monetary or other reward they may expect in return for taking up a recruiter's offer. Furthermore, victims are controlled and prevented from escaping through means such as denial of payment, coercion, force or threats.

Human trafficking therefore constitutes a severe crime, but simultaneously, the even bigger challenge with regards to curbing the issue is posed by its clandestine nature, which complicates documentation. In a report dating back to 2004, the US Government put the global

number of newly internationally trafficked persons between 600,000 and 800,000 annually (US Department of State, p. 6). As of 2012, the International Labor Organization (ILO) estimated that 20.9 million persons found themselves in forced labor, which however also includes a certain portion of non-trafficking victims due to conceptual issues that will be explained further below in the theoretical framework. In addition, 9.1 million of these persons had a migration background, although this also included internal migration (Kangaspunta, Sarrica, Johansen, Chatzis, & Taveau, 2012, p. 68). In the Kenyan national case, on the other hand, victim identification and enumeration is almost non-existent. According to the 2016 US Department Trafficking in Persons Report, the Kenyan government reported identification of only 92 victims in 2015, which is already up from only 74 in 2014.

As much as this can be considered a disappointment, there is at least some data to suggest that there is a relatively high prevalence of international trafficking in the Kenyan context, as opposed to cases of internal trafficking. Even though internal trafficking still appears to present the more prevalent scenario overall, international trafficking is suggested to occur more frequently in Kenya in comparison to other countries in East Africa. Although already somewhat dated, the corresponding 2008 study by IOM revealed that within a sample of 165 Kenyan participants affected, 36 percent of victims had an international trafficking background, compared with only 17 percent in Uganda and a mere 7 percent in Tanzania (International Organization for Migration, 2008, p. 40). Furthermore, in Kenya, the same IOM study found no strong statistical discrepancy between the prevalence of trafficking in males and females, and adults and minors respectively (International Organization for Migration, 2008, p. 39).

### **Statement of research problem**

Previous research to date shows that vulnerability to trafficking is highly contextual and requires the surveying of particular demographic groups in order to gain a deeper understanding of the issues. For instance, minors are normally dependent on their parents and other adults, and this constitutes a possible trafficking risk, if for instance, their guardian struggles to sustain the family economically or if the child is orphaned (Otieno, 2015, pp. 20-22). Aside from common considerations on age and gender, another factor with regards to vulnerability that has gathered attention is migration. Migration should not be seen as a determinant of vulnerability in and of itself, but it can present a contextual framework in which certain, maybe unique markers of

vulnerability can emerge. For instance, research by Malinowski et al revealed that amongst Kenyan internally displaced persons (IDPs) who were trafficked, highly prevalent features consisted in their experience of violence during flight from conflict, as well as the proximity of their accommodation to highways and local trading centers (2016, p. 40).

This research project wants to follow a similar path by looking at a different group of migrants, with the aim of determining which factors are responsible for their vulnerability. The central hypothesis of the research is that female Kenyan migrant women, face particular issues that make them vulnerable in the context of human trafficking, and that these issues are linked to universal societal issues such as a lack of government oversight and assistance for victims of trafficking, as well as factors which are linked to the victims' identity such as their gender and the role they subsequently have to assume in their households. Furthermore, it is believed that as these migrant women are recruited in their home countries and exploited in another location abroad, their vulnerability must be seen through a transnational lens, that takes into account possible risk factors persisting in both places, such as lack of law enforcement efforts and of bilateral political action.

### **Aim and scope of the research**

This project is dedicated to exploring the causes of vulnerability to human trafficking among female international migrant workers of Kenyan nationality. The types of human trafficking explored in this paper are those who relate to the topic of forced labor, including forced sexual labor. Within the theoretical part of this paper, the author will address the conceptual aspect of defining the relevant group of human trafficking victims in more detail. Drawing from a small sample of only 10 participants, the types of human trafficking represented are 9 cases of domestic servitude, and one case of forced prostitution.

The selection of female Kenyan labor migrants as a research subject had predominantly technical reasons. Originally, the research paper was envisioned to identify differences in vulnerability among both male and female international trafficking victims, internal trafficking victims and such victims that were trafficked in or close to their homes. This goal could however not be pursued as only female international trafficking victims could be mobilized for the study within the relatively short time allotted for the execution of the project. The research question therefore unfortunately had to be re-conceptualized around the available sample group:

“Which factors are responsible for vulnerability to human trafficking in adult female international migrant workers of Kenyan nationality?”

In order to answer the central research question, the paper will furthermore deal with a set of sub research question, which are:

- How does awareness of human trafficking impact vulnerability?
- How and how much do socio-economic factors play a role with regards to vulnerability?
- How does gender relate to vulnerability to human trafficking?
- Who first engages human trafficking victims about the job opportunities that lead to their exploitation?
- How is a human trafficking victim's situation of vulnerability resolved?
- What are the risks faced by human trafficking victims in relation to repeatedly occurring human trafficking?
- Which part is played by recruitment agencies operating in Kenya?
- What political developments influence the human trafficking victim's vulnerability?
- What is the role of political institutions in the occurrence of vulnerability to human trafficking?

## **Methodology and methods**

### **Research methods**

This research makes use of an entirely qualitative approach. A mixed methods approach would have maybe been desirable because statistical data on human trafficking in the context of Kenya is hard to get by, however, this method was ultimately deemed unfeasible. This is mainly due to the sample size such an effort would have needed to generate in order to produce valid and reliable data. Consequently, wherever numerical data is presented in the report in the form of tables or figures, it merely serves to illustrate the available qualitative data and to identify possible trends rather than wanting to prove or confirm the validity of non-numerical results.

The research method of choice for this research is a collective case study. This format allows to obtain extensive information from a small number of sources while simultaneously increasing the chances of gathering stratified data. Conducting this research would not have been possible without the participation of an organization that has years of experience in the field, especially in protecting victims of trafficking. HAART Kenya, the author's internship organization kindly offered their support, established contact with suitable research participants, carried out interviews and provided funds for their transcription.

### **Data collection methods**

The sole data set obtained through field research is a collection of 10 case studies, which were obtained through interviews with known victims of human trafficking. The profile of these study participants is explained in more detail a separate section (see "The sample of respondents"). An expert interview was not carried out for the purpose of this research, because in the course of the desk research phase, it was deemed that there is already a substantial, and still increasing knowledge base around vulnerability to human trafficking, which would have made such an interview redundant. Furthermore, even though expert interviews did not form a part of the field research process, the author consulted with management and victim counseling staff at the participating organization HAART Kenya, in order to learn more about their personal experience with regards to vulnerability in the context of human trafficking. This exchange then aided the author in guiding the corresponding desk and field research into the right direction.

**Field research.** The field research data for this project was derived through a semi-structured interview format (see appendix A2). This design was mainly favored due to the fact that many possible markers of vulnerability could be either identified, or at least be conceptualized, in advance of the interviews. This was accomplished through the sighting of secondary data, on the one hand, and subsequent consultation with victim support staff at the participating organization, HAART Kenya, on the other hand. The main starting point for identifying factors related to vulnerability in the context of human trafficking were *An Introduction to Human Trafficking: Vulnerability, Impact and Action*, a publication by the United Nations Office on Drugs and Crime (UNDOC), as well as *Operational indicators of trafficking in human beings - Results from a Delphi survey implemented by the ILO and the European Commission*. The author highly recommends both publications to any researcher who intends to perform research in a similar thematic area.

A second reason for choosing a semi-structured interview approach was that that this sort of execution enabled the researcher to chronologically guide the respondent through the information required of them, and to thereby only prompt the revelation of information that was ultimately needed for answering the main research question. While a more free-flowing narrative would have improved the odds of revealing unexpected information, it would have also carried the risk of the respondents skipping over information that they would not know was relevant. Furthermore, there was an added chance that informants would recount particularly traumatizing episodes of their ordeal in detail, when this was not even necessary.

Nevertheless, the semi-structured interview questions were never too rigid and allowed the respondents to answer in their own words, as they were divided up into two separate parts: First, respondents were given an open-ended question, such as “*before being affected by human trafficking for the first time, what was your knowledge of the practice?*” Second, to learn more about predefined aspects of vulnerability, the open-ended questions were followed up with closed-ended questions, such as “*did you have regular access to mainstream sources of information such as newspapers, radio and internet before the incident?*” Mind that even though the closed-ended questions could be answered with a binary (yes, no) response, in practice, the interviewees were usually prompted to give detailed answers instead.

**Desk research.** The research featured extensive desk research of resources relating predominantly to vulnerability in the context of human trafficking. Desk research served three

general purposes: as noted above, desk research informed the questions that interviewees would later be asked in order to understand which aspects played a part in the context of their vulnerability to human trafficking. Second, there was the important aspect of contextualizing some of the gathered interview data. For instance, the data collected from interviewees could show that they had a low level of education, but in order for this data to have any sort of value in the context of vulnerability, it was necessary to qualify it with sources that explained how gender impacts the chances of acquiring higher levels of education. The third aspect covered by desk research was to supplement data from the interviews with information that is difficult to obtain from interviews with human trafficking victims. For example, newspaper articles and scientific publications revealed that private employment agencies' disregard for recruitment stops has been a factor in causing vulnerability to human trafficking for Kenyan migrant workers. However, the semi-structured interview questions could not have revealed that because lack of access to information around political decision making means that human trafficking victims normally would not know of such issues. When selecting the format of desk research sources of information, preference was normally given to publications of international and national (inter-)governmental organizations and scientific (peer-reviewed) journals, in order to ensure accuracy and accountability of the authors. Other sources of information included publications of non-governmental organizations, online articles of mainstream newspapers and stakeholder presentations (if their sources were referenced).

### **The sample of respondents**

**Sample sourcing.** There are likely only roughly three ways to obtain case data on victims of human trafficking. Law enforcement and judiciary, for example, may collect data that may be more or less useful for exploring factors of interest with regards to vulnerability, but such data is normally classified and inaccessible due to privacy and data protection laws. A second option lies in finding a subsample within particular groups known or believed to be disproportionately affected by human trafficking, such as domestic workers and prostitutes. This is normally a time-intensive, and potentially expensive (consider transport costs and reimbursement for working hours lost) exercise. Actually finding victims within a short period of time is furthermore all but guaranteed. This approach was therefore also deemed unsuitable for the purpose of this research. Lastly, there is the option of working together with victim advocacy organizations. The obvious



advantage of this approach is that the process of engaging known victims of trafficking for interviews is quite straightforward, as they are normally referred to the organizations by their social environment, or because they seek to establish this sort of contact themselves.

**Site selection.** Information from interviewees was collected at the victim counseling offices of HAART Kenya, which is located in the South B district of the Starehe constituency in Nairobi. In order to guarantee confidentiality, interviews were carried out in a secluded room of the offices, to which only the interviewer and an interpreter had access at the time. The site selection of course also impacted the selection of potential interviewees, who mainly originated from the Greater Nairobi Area.

<b>Table T1 – Participants’ places of residence in Kenya at time of first recruitment</b>					
Athi River	Kabete	Mathare Slums	Nairobi (unspecified)	Thika	Waithaka
1	1	4	2	1	1

A multi-site study based on the chosen sourcing model was out of the question, as HAART Kenya does not have subsidiaries in other parts of the country, and because other organizations in Kenya only offer limited services to the selected sample group, which decreases accessibility.

**Sample strength.** For the successful completion of the study, the author set a target mark of 10 interviewees. There were different factors which contributed to the decision to set this target number. First, it is an appropriate number in the context of a collective case study, which focuses on qualitative aspects such as level of detail, but at the same time aims to create a diversified sample. Second, the time available to conduct the interviews, which was limited by the fact that the interviewer had to simultaneously work on other projects. Third, the time an external transcriber would need to perform her service. Fourth, the time that would be necessary for the author to analyze the collected data before entering the writing phase. Fifth, the number is based on the author’s previous research experience, and was deemed to be both a realistic and ambitious number to successfully finish this project.

**Sample selection.** The selection of potential candidates was carried out by an administrative staff member of the victim counseling department at HAART Kenya, who was otherwise not involved in this project. Selection did not occur for the purpose of participation in

the study, but for determining candidates who would next receive counseling at HAART. This selection occurred at random, meaning that the staff member picked a number of names off a list of candidates who had previously established contact with HAART to receive services. If availability could be established, the candidate was invited. The criteria for the participation of chosen candidates in the study were informed consent to participation (meaning the participant was at least 18 years of age during the time of the interview) and having fallen victim to human trafficking in the context of labor migration. The last variable to randomize the sample was the availability of the interviewer, which was influenced by her other obligations and thus outside her scope of control as well as the author's.

**Sample characteristics.** The main unifying criterion of the interviewees was that they were known victims of human trafficking in the context of labor migration. In order to establish this, the interviews were scrutinized to confirm whether the respondent's case really fulfilled all minimum criteria of constituting human trafficking. This involves at least deceptive or coercive forms of recruitment, exploitation for monetary or sexual ends and control asserted by a perpetrator over the victim. A more comprehensive definition for what constitutes human trafficking for the purpose of this research can be found in the theoretical framework section of this paper. Subsequently, 11 interviews had to be conducted to reach the target number of 10 interviews, as one interview had to be invalidated due to only exhibiting an element of deceptive recruitment. Another similarity between the interviewees consisted in the fact that all of them were female. This was not initially not planned for and actually led to a late and unplanned change in the research question. The reason why no male participants could be interviewed for the study consisted in the fact that the participating organization HAART Kenya had just closed all remaining files on male human trafficking victims, which led to their complete unavailability for the purpose of this study. The last element which was found across all study participants was that they were of Kenyan nationality, which of course also had to do with availability.

While there very similarities between the interviewees, there were also a number of differences. The main aspect here concerns the age of the participant at the time of recruitment:

<b>Table T2 – Age of respondents at the time of first human trafficking related recruitment in ascending order</b>									
16	23	24	24	27	28	31	34	37	52

Of course, considering the overall number of participants, this study makes no claim with regards to the representativeness of the sample in relation to the overall target group. Since the composition is random, this section is mostly descriptive and serves to provide additional background about the diversity of the sample. The same logic applies for table T1 on the participants' place of residence:

<b>Table T3 – Participant's destination countries/countries of exploitation</b>				
India	Libya	Qatar	Saudi-Arabia	Yemen
1	1	1	7	1

However, the situation is different in relation to the characteristics of the participants' destination countries, which is the result of a conscious decision. The reason to allow for a random heterogeneous sample, rather than preselecting a homogenous sample in terms of destination countries was twofold: for one, there was too little time to create a homogenous sample including participants of just one destination country, and two, considering the overall small number of participants, it was actually expected to bring about more diversified data in relation to vulnerability, as human trafficking victims would be exposed to different legal, political, cultural and geographical environments. Lastly, as can be seen in table T3 there are 11 destination countries versus only 10 participants in the study. This is no mistake, as one of the participants in the sample was trafficked twice.

### **Analytical methods**

The main method of analysis consisted in cross-comparison of variables within the data set. As the qualitative data obtained from interviews was very substantive, it was first necessary to tabularize and standardize the contents for better overview, which culminated in the interview data analysis grid (appendix A5). For reasons of convenience, the structure of the grid was drawn up using roughly the same structure already applied in the interview form (appendix A2). Due to the interviews being standardized, there was no need for an inductive coding process, as the same data was collected in the same chronological order each time. Data was collected from interviewees in a sequential order, because in following a timeline of event progression, the author expected to obtain the most accurate results from the interviewees.

Within the data analysis grid, three data levels were established. On the highest level, the author positioned three temporal categories: Phase 1, Phase 2 and Phase 3. These constituted only descriptive labels to demark specific phases of the interviews and are explained in more detail in the results section of this paper. On the second and third level, variables and sub-variables were established. The creation of variables occurred by turning interview questions into simple labels. For instance, the first interview question, “Before being affected by human trafficking for the first time, what was your knowledge of the practice?”, would be turned into a short string dubbed “P1D-1: Previous knowledge”. As the information in the interview transcripts relating to these variables could be too substantive to be put into just one cell within the data grid, they were frequently broken down into sub-variables. As an example, variable P1D-1 was broken down into the sub-variables “P1D-1.1: Awareness of HT”, “P1D-1.2: Understanding of HT” and “P1D-1.3: Misconceptions of HT” (where HT stands for human trafficking). The first part of the descriptor, PnD (P=“Phase”, n=1-3, D=“Data”), describes the phase in which variables and sub-variables were collected, whereas the second part n.n (n=any natural number) simply serves as an identifier to delimit the variables and sub-variables from each other. Variables and sub-variables contained one of three different data types: the most common data type was a string of text, which summarized the information obtained from the relevant interviewee into a short paragraph. For example, an interviewee’s statement,

Also, when my adult life was just starting, I used to live in a compound owned by my parents. But there were land grabbers who came and claimed the land, so we were chased away and when we kept coming back, the place was burned. After it was burned, I didn’t have money to rebuild so we just left with what we had and I had to start from the beginning,

was converted into a short text similar to “she lived on land owned by her parents which was taken from land grabbers and her house was burned down”. The other two, and more rare types of data, were numerical (e.g. age) and binary (e.g. yes, no). Having broken down the interview data into small pieces, it now became easy to process them for the results and analysis part of the paper. Within the results section, the author proceeded to perform a comparison of the values of different variables across all case studies by using the structure established through the data analysis grid, in order to identify trends that could be further discussed in the analysis section of the paper. In the analysis section, then, the identified trends were discussed alongside secondary

resources to contextualize and qualify the data in relation to human trafficking.

### **Limitations of the study**

One shortcoming of the study is its lack of a control group. Ideally, some of the data collected from the sample group, such as their level of education and awareness of human trafficking, should have been compared to a group of trafficked female migrants of a different nationality, or to female migrants of the same nationality who turned out not to have encountered human trafficking at their destination countries. Collecting such data would have aided in determining to which degree particular indicators of vulnerability play a role in trafficking within the sample group when compared to groups with different characteristics.

The reason for this deficit are twofold: First, the study was initially designed under a different premise. Initially it was presumed that the study could mobilize participants with different migration backgrounds. This means that the group of international migrant workers in this study would have been compared to Kenyan internal migrants and to non-migrants also affected by human trafficking, in order to determine if the reasons for their vulnerability noticeably differed, and if so, in which regard. However, at the time that the primary data collection was about to be carried out, the vast majority of eligible participants at the disposal of the participating organization HAART had an international migration background, which necessitated a reframing of the study around the participants of the sample group available. Second, as this change in the composition of available interviewees became evident at very short notice for the author of the study, it was not possible to engage other organizations for the purpose of creating a control group.

Another issue consisted in the fact that the author of the study was not authorized to carry out the interviews with the study participants himself. This is due to the protection policies deployed by the victim support department at HAART Kenya, which only allow for specific trained personnel to directly interact with its clients. Had there been the opportunity to do these interviews in person, the author would have had greater influence on ensuring that data is captured in enough detail. Somewhat better results could have maybe also been achieved by letting the interviewer do trial runs with the questionnaire before moving on to the actual sample group. This, however, was never really an option due to time constraints on both the interviewer's and the author's side. The lack of familiarization with the interview form was of

course expected and was compensated for by giving clear written instructions on how the interviews were to be carried out. Most of the time, the interviewer managed to comply with the set out requirements. That being said, sometimes it can simply be difficult to guide or motivate interviewees to go into detail about the required information, regardless of who is in charge of conducting the interviews. It is therefore satisfying to say that on average, the level of detail captured through the interviews was at least in part even above expectations.

### **Ethical considerations**

Ethical questions are of paramount concern when dealing with victims of human trafficking. Many persons who are affected by violent crimes suffer some sort of trauma and are in need of psychological and other support following their ordeal. In engaging victims through an organization like HAART Kenya, it was already ensured that the participants had access to a service provider from who they could expect such support.

The research participants, which are all female, were interviewed through a female psychotherapist working on behalf of HAART Kenya. Furthermore, English-Kiswahili translation was – where necessary – carried out through a female contractor. The author, the interviewer, the interpreter and the transcriber were either contractually obliged to keep confidentiality with regards to the information obtained (see appendices 3 and 4), or were already bound to keep confidentiality in line with HAART Kenya's victim protection policies.

Before they were being interviewed, the interviewer read out a statement to all participants, in which they were informed in full about their own rights and those they would need to grant to the author of the study for the effective carrying out of the project. These rights primarily concerned the privacy of the interviewees, but there was for instance also a provision that granted the respondents the right to completely and retroactively withdraw from the study, in so far as they would do so within a 14-day timeframe. For further details, the statement as well as the informed consent agreement stipulating the rights of both parties can be found in appendices 1 and 2.

Finally, this paper aims for highest standards in terms of victim protection, which brings with it certain restrictions in terms of connecting certain data. Information about age, place of residence and destination countries could be used by perpetrators to profile victims in connection with the other data presented in the results section of this paper. Even though the chances of that

happening are low, the author sees it as his duty to obfuscate certain information so as to preclude even the mere possibility of abuse of these data.

### **Theoretical framework**

#### **Human trafficking – Definition and related terminology**

The term “trafficking” in its basic form denotes the dealing or trading “in something illegal” (Oxford University Press, n.d.). “Human trafficking”, which is also known as “trafficking in persons”, by this logic should constitute the illegal dealing or trading in human beings. While this indeed holds fundamentally true, the subject of human trafficking as a whole is fairly more complex than its definitive term. The reason for this complexity is mainly rooted in the term’s legal definition, which encompasses a host of different scenarios that all have in common the exploitation of a human being by one or more perpetrators.

Beyond this legal definition, however, the meaning conferred onto a word is of course also profoundly shaped by the popular discourse around it. Victim advocacy groups, researchers, producers of media, and political institutions amongst others greatly impact the image of human trafficking both inside and outside academic circles. As these players do not always share a mutual level of understanding of the subject, and as they do not pursue a common agenda, the discourse around human trafficking can cause considerable conceptual confusion. This section will address these complexities and explain the scope of the research in the context of competing definitions.

**Legal definition of the term.** The act of human trafficking as a transnational crime was first stipulated in binding international law under *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, which entered into force on December 25<sup>th</sup> 2003. It supplemented *The United Nations Convention against Transnational Organized Crime*, which had already entered into force on September 29<sup>th</sup> within the same year. *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* is also widely known as “The Palermo Protocol”, and (amongst other things) was envisioned to harmonize national laws designed to combat trafficking in persons (UNODC, n.d.). In order to achieve this end, article 3(a) puts forward a binding and universal definition, which defines “trafficking in persons” as,

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the

threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; (UNODC, 2004)

This lengthy and convoluted legal text, upon closer inspection, consists of three smaller parts: First, the definition establishes which acts are performed in the process of human trafficking, namely recruitment, transportation, transfer, harboring or receipt of persons. The second part determines by which means these acts need to be carried out in order for a criminal act to constitute human trafficking (e.g. deception or use of force). And finally, the last part explains for which purpose those acts must be carried out. Taken together, these segments create a definite, but also very stringent framework: only if at least one elements of these acts, means and purposes each is represented in a case, does it constitute a trafficking crime.

**Terminological confusion with related phenomena.** Even the introduction of a binding legal definition for human trafficking, however, could not stop the eventual dilution of the term itself. One example of this is the alternative use of the label “modern day slavery, or just “modern slavery”, in order to describe human trafficking and related concepts such as forced labor. “Many significant figures including two American Presidents, the Department of Justice, the United States Congress, Caritas International, the United Nations, the United States State Department, Federal courts; and Pope Francis to name a few” (Graw Leary, 2016, p. 1), are quoted as having used the term, thereby adding to confusion about the substance of human trafficking.

Organ trafficking, for instance, simply cannot be characterized as a form of slavery because it does not involve the execution of any sort of labor through the victim. Consequently, by making use of the label “modern day slavery”, organ trafficking victims are marginalized, as they do not fit into the more narrow political narrative of this term. It must also not be forgotten that “slavery”, which is indeed defined as a form of exploitation through the Palermo Protocol, at least in legal and historical terms is firmly associated with the concept of legal ownership over a person and his or her descendants (Jordan, 2011, p. 2). This defining element of slavery is



specified in article 1, paragraph 1 of the 1926 UN Slavery Convention, which characterizes it as: “[...] the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” (OHCHR, 1926). The legal act of slavery, however, today concerns only a relatively low number of trafficking cases, as legal ownership of persons is considered to be eradicated in most places in the world, save for Mali, Sudan, Niger and Mauretania (Jordan, 2011, p. 3).

Another issue around defining human trafficking consists in its media representation. One of the most commonly found issues in this context is the confusion around human trafficking and smuggling in persons. Legally referred to as “smuggling of migrants”, the practice is clearly defined in international law by *The Protocol against the Smuggling of Migrants by Land, Sea and Air* within article 3(a):

“Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;

Per definition of the Palermo Protocol, the smuggling, and therefore transport of an individual, can indeed present an act of trafficking, if it serves the purpose of a later exploitation.

Unfortunately, in the wider course of media coverage and of political discourse, the two terms frequently end up being used interchangeably (Wallerstein, 2010, pp. 13-17). This is problematic for the conceptual clarity of human trafficking for at least two reasons: First, it ignores that in the absence of a motive to exploit the smuggled person, smuggling of migrants merely presents an illegal crossing “into a State Party of which the person is not a national or a permanent resident” (see above definition of smuggling in persons). Second, it obscures the nature of the act itself, as human trafficking may occur in the wake of legal international migration, internal migration (migration within the borders of a nation state), or even in the complete absence of migration.

**Definition in relation to forced labor.** Lastly, to make the confusion around trafficking in persons perfect, there is ongoing dissent about how the crime relates to the subject of forced labor. The definition of forced labor as a form of exploitation within the Palermo Protocol, for instance, could support the interpretation that the label human trafficking constitutes an umbrella term for “exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” (see definition of trafficking in persons). Such a notion is supported, for instance, by the US

Department of State, which releases a comprehensive annual report on human trafficking and is consequently heavily invested in the prolific usage of the term (Office to Monitor and Combat Trafficking in Persons, 2014).

The International Labor Organization (ILO), on the other hand, approaches the issue from the reverse angle and considers human trafficking a subset of forced labor:

Human trafficking can also be regarded as forced labour, and so the ILO estimate captures virtually the full spectrum of human trafficking abuses or what some people call “modern-day slavery.” The only exceptions to this are cases of trafficking for organ removal, forced marriage or adoption, unless the latter practices result in forced labour. (ILO, 2012)

The organization furthermore considers sexual forms of exploitation, which the Palermo Protocol refers to as “exploitation of the prostitution of others or other forms of sexual exploitation” as a sexualized form of forced labor, and not as a distinct phenomenon.

The conceptual uncertainty between human trafficking and forced labor on the policy level is therefore in large part caused by the overlapping mandates of the UN and the ILO. The UN through its conventions seeks the eradication of all forms of slavery and practices similar to slavery. The ILO on the other hand, through its own conventions is tasked with combating all forms of forced labor. Considering how strong the respective mandates of the organizations overlap, this of course begs the question what aspect even forms the major difference between the phenomena of human trafficking and forced labor, and it is not an easy question to answer. A rather compelling answer was however given by Lee Swepston:

However, although this is not specified in the text of the Trafficking Protocol, it does not appear to apply to all the forms of forced and compulsory labour covered by ILO Conventions Nos. 29 and 105. In particular, it does not appear to relate to any of the State-imposed forms of forced labour such as compulsory military service, prison labour, or other exceptions from the coverage of “forced and compulsory labour” as defined in Article 2 of Convention No. 29. It would indeed be difficult to justify applying the Trafficking Protocol to a conviction in a court of law that involves labour as a part of the sentence, especially as this practice is explicitly allowed under ILO Convention No. 29 as long as certain conditions are respected. The definition of trafficking in the Trafficking Protocol therefore is not in conflict with the definition of forced and compulsory labour

in Convention No. 29, but rather applies only to a part of the practices covered by that instrument.

The same conclusion applies in reverse to the coverage of the Protocol and Recommendation adopted by the International Labour Conference in 2014. These instruments make no attempt to define trafficking, but rather refer simply to forced and compulsory labour that may result from it and to phenomena that may lead to it. See in particular Article 1(3) of the new Protocol: “The definition of forced or compulsory labour contained in the Convention is reaffirmed, and therefore the measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour.” (Sweepston, 2014)

In short, neither human trafficking nor forced labor truly serve as an umbrella term for the respective other, as both cover an extensive, yet ultimately limited part of each other’s respective scope. Forced labor as defined by the ILO does not cover all sorts of human trafficking such as organ removal and forced marriage in the absence of labor exploitation, whereas human trafficking as defined by the UN does not (or at least not expressly) address state-sanctioned forms of forced labor, which should seemingly reduce the applicability of the Palermo Protocol to scenarios in which victims are recruited through non-state actors.

As this research deals with the human trafficking of labor migrants, the proper definitional tool in the context of this paper appears to consist in a forced labor oriented scope of human trafficking, as was put forward by the ILO. This scope includes both sexual- and non-sexual forms of exploitation, so long as they pursue the goal of economic benefit for at least one perpetrator, but excludes all forms of state or rebel group imposed forced labor.

### **Human trafficking – The criminological perspective**

A central aspect of describing vulnerability to crime is ultimately to explore the characteristics, strategies and the motives or motivations of the offender. In relation to human trafficking, the endeavor of conceptualizing this particular dimension is complicated by the fact that multiple types of perpetrators can be involved at various stages in the trafficking process. That being said, a single person can theoretically just as well fill out multiple or all of these roles consecutively.

**Offender typology.** The typology of perpetrators should be understood to comprise four general roles:

- **Recruiters**, who deceive, threaten, extort and/or abduct potential victims about lucrative jobs and other opportunities (e.g. marriage) for the purpose of gaining a measure of control over them. This is followed by the sale of the recruited person to another recruiter or the exploiter.
- **Transporters**, who knowingly move the victim to his or her place of exploitation. In the case of international and transnational crime, this may include the smuggling of the victims across borders.
- **Exploiters**, who are knowing employers, clients or end users in the trafficking process.
- **Facilitators/Middlemen/Fixers**, who knowingly support the trafficking process in various ways, such as:
  - identifying victims in their social and professional realm
  - establishing contact between different perpetrators
  - establishing contact between the victim and the perpetrators
  - hiding and harboring of victims
  - forging of illegal documents as well as illegal acquisition of genuine documents such as work and travel permits or IDs
  - exerting influence or power to cover up, obscure or defend perpetrators' criminal activity - including their own - and issuing warnings about investigations in relation to trafficking crimes (UNODC, 2008, pp. 10-12)

Not all of the acts mentioned within the last category are expressly prohibited under the Palermo Protocol. It would be subject to legal interpretation by a national court, for instance, if the identifying of victims and establishing of contact with perpetrators constitute a recruitment of the victim in a wider sense. The forging of documents and obstruction of justice are not trafficking crimes, but normally constitute offenses of their own, and may be subject to prosecution in connection with an investigated human trafficking case. The harboring of victims, on the other hand, is expressly prohibited through the Palermo Protocol. When carried out deliberately, it thus constitutes a trafficking offense within any signatory state that has incorporated the provisions of the Palermo Protocol into national law.

Human traffickers may operate in loosely interconnected networks or form highly organized and hierarchical criminal enterprises which can span across different national jurisdictions (UNODC, 2008, p. 14). With regards to gender, human trafficking groups can be mixed or single gender associations. Trafficking in persons is thus neither a decidedly male nor female business. Both the numeric composition of the genders within a group, as well as the role played by men and women, vary within different geographical contexts. Some evidence, however, points to groups consisting of just female members to target mostly women and girls, while all-male groups and mixed groups are more likely to also recruit and exploit male minors and adults (UNODC, 2008, p. 5).

**Offender victim relationship.** In order to define more precisely the profile of different perpetrators, it is necessary to investigate their relation with the trafficking victim. Perpetrators that are involved in the recruitment of the victim assume different social and professional roles, which get them into close touch with their victims. It is not always perfectly possible to separate between perpetrators who engage the victim on a professional or personal level. Some individuals may for instance have a close interpersonal relationship with a pastor, teacher or work colleague beyond the professional function of these players (UNODC, 2008, pp. 3-4, 8).

<b>Table T4: Common Offender roles</b>		
<b>Mostly professional</b>	<b>Either or both</b>	<b>Mostly non-professional</b>
Job brokers	Educators (teachers, professors, tutors)	Immediate and extended family (parents, siblings, cousins)
Travel agents	Healthcare practitioners (doctors, nurses) and quacks (“traditional”/customary medicine)	Friends and acquaintances
Legal professionals (lawyers, attorneys, judges)	Clerics and Spiritual leaders	Neighbors
Hoteliers and estate agents	Work colleagues	Lovers (spouses, partners)
Law enforcement, customs and Immigration officials	Exploiters (end users and employers of forced labor / forced prostitution / organ harvesting etc.)	
Transport staff (Drivers, pilots, handlers, conductors)		
NGO workers		

On top of that, the roles indexed in the above table do not necessarily only describe potential perpetrators of human trafficking. Especially persons that work in professional positions in which they get in touch with vulnerable subjects, such as health care professionals and law enforcement officers, may indeed be willing and able to protect victims and potential victims of trafficking in persons, given that they know of and become aware of telling signs.

The individual relevance of each of these roles of course also varies from one trafficking scenario to another. For instance, health care professionals can possess a key role in cases of commercial sexual exploitation. On the positive side of things, physicians may, for example, be able to identify potential victims of sexual exploitation through their physical and psychological condition. On the negative side, doctors have in some cases been suspected of helping human traffickers cover up signs of abuse. This is because victims have reported being repeatedly treated by the same health care professional without inquiry into how they acquired salient conditions such as sexually transmitted diseases and unwanted pregnancies (Baldwin, Eisenman, Sayles, Ryan, & Chuang, 2011, p. 11). Non-sexual forms of forced labor may cause injury and psychological conditions as well, and may point health care professionals towards potential victims. In seeking to gain the trust of these patients, health care professionals may be able to learn about their history of abuse and offer aid to refer matters to law enforcement.

Immigration and border officials are another group of potential guardians and perpetrators, whose relevance is highly contextual. In international and transnational trafficking scenarios, they could for example determine whether a migrant's irregular entry into the country may be connected to transnational crime, instead of just detaining them. On the other hand, corrupt officials, especially in higher ranks, may turn a blind eye to illegal immigration and smuggling of migrants in exchange for bribes by traffickers or may tip off other perpetrators about investigations (UNODC, 2008, p. 13; Rusev, 2013, p. 7). In the context of internal trafficking, on the other hand, in the absence of national borders that need to be crossed, the role of immigration and border officials is naturally diminished, or more likely, even non-existent.

In the context of labor exploitation, the immediate social environment of the victim and job brokers frequently become particularly relevant. Especially in the absence of a substantive formal labor market, individuals heavily rely on their social capital for finding wage employment (Fox, 2008, p. 23). As there is normally a level of trust between the victim and his or her social network, traffickers may exploit relationships between two persons in order to recruit individuals

from within their social environment (UNODC, 2008, p. 8; Child Exploitation and Online Protection Centre, 2011, p. 14). In addition, private job brokerage enterprises may intentionally sell off vulnerable individuals to abusive partner agencies and employers, or they may simply fail to provide an adequate level of protection by not doing background checks (Chatzis, et al., 2015, p. 6). This concerns both registered and unregistered business and may be aided by weak legislative design, implementation and enforcement of labor laws (Chatzis, et al., 2015, pp. 6, 27-28, 50-52).

### **Offender motivation.**

Perpetrators normally have either or both of two principal motivations when it comes to the trafficking of persons for forced labor. These comprise financial gain and sexual gratification:

- Financial gain: no matter if forced prostitution, forced labor, slavery, debt bondage, slavery or domestic servitude, a fundamental aim of virtually all trafficking scenarios is a financially favorable outcome for the traffickers.
  - Recruiters, transporters and middlemen: may profit in the form of a fixed wage or receive a bounty or commission for every laborer recruited. May also charge victims fees for supposed services, but keep the money for themselves (Chatzis, et al., 2015, pp. 6, 23, 32).
  - Pimps and end users of forced labor (business owners/employers): profit from the generation of goods and services through the victim. Wages owed to and income generated by the trafficking victims are then withheld or taken away, either in part or entirely (Andrees, Guild, & van der Linden, 2005, p. 20).
  - End users of domestic servitude (the exploitation of domestic workers) and of sexual exploitation in the form of forced prostitution (punters) and related acts: usually do not profit from income generation through the victim, but can profit financially by not paying for services or by paying in an amount that is either below the normal local market value or which is low in comparison to the rates charged for such services in the country of origin of the perpetrator (Huling, 2012, pp. 635, 658).
  - Debt bondage: is used as a pretext to justify the withholding of remuneration to the victim in various trafficking contexts. The trafficker (normally the

recruiter or pimp), for instance, offers the settlement of previous debt, travel costs or services charged to the victim (e.g. operational costs for visas or health certificates). The victim is then obliged to repay the settled amount, which however gets artificially inflated by the trafficker through exorbitant interest or by not deducting the appropriate amount of money in accordance with the wages offered to the victim (Andrees, Guild, & van der Linden, 2005, p. 20).

- Victims of all forms of labor trafficking: Frequently experience confiscation or theft of valuables and other personal items through one or more perpetrators (Andrees, Guild, & van der Linden, 2005, p. 21).
- Sexual gratification: Sexual gratification plays a key role for users of services related to forced prostitution and related forms of sexual exploitation (Gugic, 2014, p. 355). Sexual abuse, however, can also occur through opportunistic perpetrators. For instance, an employer of a domestic worker may use a moment during which he and his victim are not observed by other household members to sexually harass, compel or even rape his victim (Huling, 2012, pp. 647-650). All types of perpetrators who put themselves in a position of physical proximity to the victim may make use of similar opportunities given that the situation or their status embolden them to do so.

### **Human vulnerability**

Before evaluating what makes a person vulnerable in the context of human trafficking, the meaning of the term itself should be given consideration first. Common dictionary definitions characterize “vulnerability” or “being vulnerable” foremost as the potential of incurring harm, either physical or emotional:

The quality or state of being exposed to the possibility of being attacked or harmed, either physically or emotionally (Oxford Dictionaries, n.d.).

1: capable of being physically or emotionally wounded      2: open to attack or damage : assailable | *vulnerable* to criticism (Merriam-Webster, n.d.).

able to be easily physically, emotionally, or mentally hurt, influenced, or attacked (Cambridge Dictionary, n.d.).



Academic definitions of the term normally amplify this somewhat limited scope. Instead of just conceptualizing vulnerability as an individual's susceptibility to physical and emotional damage, one possibility of extending the scope consists in examining the relationship between individuals and institutions.

Two interesting contributions in this regard are the vulnerability theory authored by Martha Albertson Fineman, and the critique thereof by Frank Rudy Cooper. Maybe most importantly, these works highlight the rift between the two philosophical concepts of vulnerability as a subject of particularity or universality respectively. Below, their contents and relevance shall be examined, and then be evaluated in the context of human trafficking.

**Fineman's vulnerability theory.** At the heart of Martha Fineman's theory is an egalitarian philosophy that characterizes humans as natural equals in that they are all subject to a universal and permanent condition of vulnerability from which they require protection (Albertson Fineman, 2008, p. 12). It is therefore a feminist-Marxist rejection of liberal thinking, which instead takes as a basis that human equality must be derived from the autonomy (and therefore independence) of individuals (Albertson Fineman, 2008, pp. 2,10; Gaus, 2005). According to Fineman, universal vulnerability is firmly rooted in human embodiment itself. Given the existence of a multitude of things that can be harmful, possessing a material manifestation alone can in essence already threaten the integrity of a subject's body. Even though steps can be undertaken to decrease the likelihood or severity of a particular harmful event occurring, ultimately, it is simply outside the scope of human control to eliminate the possibility of incurring harm altogether (Albertson Fineman, 2008, p. 9).

Human beings consequently form and rely on institutions such as families, organizations and ministries to shield themselves from particular harms or to at least mitigate their negative effects. Even though they are frequently successful in achieving this end, institutions themselves are also subject to dependencies, thereby making them potentially vulnerable. For instance, "law tells us who may join together by structuring what will constitute a legitimate institutional formation and determines the consequences of that union, be it marital or corporate in form" (Albertson Fineman, 2008, pp. 6-7). The state and its institutions consequently determine through law which forms of social institutions are deemed desirable and which are not. Vulnerabilities of individuals and institutions can furthermore intersect: As an example, the

breaking-apart of a family can leave an individual homeless and isolated, and an individual losing his or her source of income negatively affects the family as a whole.

With universality at the philosophical center of her theory, Fineman rejects deploying an identity-based focus on vulnerability, which would put factors such as age, gender or race at the center. Instead she favors the explanation that differences in the degree of vulnerability of individuals stem from “privilege and favor conferred on limited segments of the population by the state and broader society through their institutions.” Thus, while the possibility of exposure to vulnerabilities is universal, humans are not equally impacted by the harm they cause, as some of them can rely on better protection than others (Albertson Fineman, 2008, pp. 1,10,15). Taking this point further, she argues that institutional systems of privilege serve to explain why certain individuals, who are normally associated with being disadvantaged due to their race or gender, can succeed in an environment that fosters the privilege of a dominant identity group they do not belong to. Similarly, according to Fineman, select events such as the 2007 – 2009 US mortgage crisis would show that disadvantage can transcend across the confines of identity groups, instead affecting particular socio-economic layers of society (Albertson Fineman, 2008, p. 16).

In Fineman’s vulnerability theory, the institutions responsible for the redistribution of vulnerability-mitigating resources are adopted from a World Bank model on risk coping assets. This model distinguishes between three types: physical, human and social assets. Physical assets, in Fineman’s adaptation, are institutions that assure distribution of wealth and property, for instance, such that administrate tax and inheritance laws. Human assets, on the other hand, also impact material well-being, but do so more indirectly, by offering a free or subsidized service that serves to protect the capacity and therefore increase the resilience of its profiteers. Examples of such institutions are employment agencies as well as education and health care systems. Lastly, social assets are networks of relationships such as families but also trade unions and political parties, which for instance provide legal and emotional support (Albertson Fineman, 2008, pp. 13-15; Kirby, 2006, p. 13).

**Critical race theory critique of vulnerability theory.** Frank Cooper’s critique of Fineman’s vulnerability theory uses the topic of racial profiling in the United States of America – especially that of young black males - as an example of how identity can greatly impact the experience of vulnerability. While Cooper does not outright reject vulnerability theory

altogether, he proposes that identity must play a more crucial role in explaining privilege and disadvantage of particular ethnic and gender groups (Cooper, 2015, pp. 1342-1344,1365).

At the core of Cooper's critique appears to be Fineman's concept of universality of human vulnerability. As stated above, Fineman explains the occurrence of different degrees of vulnerability through a favorable or disadvantageous positioning of an individual within a web of institutional dependencies. While identity is not completely negated as a contributing factor (Albertson Fineman, 2008, p. 17), she holds that identity-centric concepts fall short of explaining certain complexities around privilege (Albertson Fineman, 2008, pp. 16, 21).

Cooper, on the other hand, concedes the existence of constancy of vulnerability across different identity groups, but simultaneously rejects the concept of universality of vulnerability, because "there is no universal that does not in fact hide an intrinsic particularity". While the intent of using universality as a means to build coalitions was noble, doing so would ultimately fail to acknowledge that identities are not only socially constructed, which would make it easy to ignore them, but indeed have material manifestations (Cooper, 2015, pp. 1341-1342).

In Western nations these manifestations could be identified in a "scaling of bodies", in other words, a hierarchization of attributes that favors white over black, male over female and Christian over other religions. In practice, any construct of universality would hence be normed around a politically dominant particularity, in Cooper's example, the perspectives of "straight, white, able-bodied Christian men who are economically advantaged" (2015, pp. 1365-1366).

Consequently, in ignoring the role of race, gender and age, vulnerability theory would be unable to issue a response to police profiling of young males of color, who were frequently subject to unfair and biased treatment, for instance, due to their overrepresentation in arrest statistics. Using the concept of universal vulnerability to crime as a justification, vulnerability theory could even serve as a vindication to perpetuate racial profiling with the supposed aim of protecting the well-being of the national population as a whole (Cooper, 2015, pp. 1345-1347).

Cooper, as a consequence, recommends a revision of vulnerability theory that abandons the principle of human universality for the concept of a multifaceted vulnerable subject (2015, p. 1376).

**Integration of vulnerability theory.** Fineman's vulnerability theory, and Cooper's critique thereof, are framed within the context of the strong state versus the passive, neoliberal state debate. Nevertheless, it appears that the theoretical aspects on vulnerability that are

discussed by the authors are easily conferrable onto a victimological perspective. The most important lesson that can be learned from these theories is that vulnerability is a universal or just constant state that affects all human beings, albeit to a different degree. The intensity at which particular individuals experience vulnerability is linked to their identities, however, as the above discussion shows, there are different perceptions with regards to how much of an impact identity has in relation to systematic privilege or disadvantage that is conferred onto particular individuals and groups. This paper seeks a middle ground between the two positions by giving ample consideration to vulnerability to human trafficking in the context of race and gender, albeit without centering the overall discussion on it.

Looking at the legal definition of human trafficking, theoretically, each and every person in the world is vulnerable to the crime, simply by virtue of possessing an embodiment. This is because although the act of human trafficking encompasses a multitude of different outcomes, from working in slave-like conditions to the extraction of a victim's organs, fundamentally, what human trafficking means to its victims, is the appropriation and commodification of their selves – and particularly their bodies - for exploitative ends. Yet, regardless of the fact that reliable numbers are often hard to get by, empirical data appears to show that not all demographic segments within a given society are eventually in equal measure affected by human trafficking and that the geographic context plays a key role in determining who is affected by human trafficking and for what reason.

For instance, according to UNODC data, Sub-Saharan Africa, and Central America and the Caribbean, have one of the highest rates of child trafficking compared to trafficking of adults. While in these regions almost two thirds of affected persons are children, all other regions of the world experience the reverse scenario, with almost two thirds and more of victims constituting adults in North- and South America, Europe and Asia (Kangaspunta, Sarrica, Jesrani, & Johansen, 2016). A 2012 statistic by the ILO furthermore shows that while there is almost parity between female and male victims of forced labor across all categories, sexual exploitation is heavily gendered. A total of 98 percent of victims of commercial sexual exploitation were said to be female compared to 2 percent who were male. On the other hand, 60 percent of labor trafficking victims were reportedly male, as opposed to 40 percent female victims finding themselves in non-sexually motivated labor exploitation situations (International Labour Organization, 2012, p. 14).

A rather contested, and maybe underexplored topic in regards to human trafficking is the nexus between disability and vulnerability. Bales, for instance argues that the disabled are normally not targeted by traffickers, as “[t]hey are human commodities of insufficient value to bring high profits” (2005, p. 141). It is worth mentioning, however, that Bales statement was likely meant to only include such disabilities that render a potential victim unable to perform physically demanding tasks. In the same publication, he uses the example of deaf Mexican victims of trafficking in New York to illustrate how perpetrators can indeed profit from disability because of the affected persons’ incapacity to communicate either verbally or signally with potential rescuers (Bales, 2005, pp. 163-164).

## Results

This section of the paper serves to present the interview findings in accordance with the sequential order format established for the data analysis grid in appendix A5. The reasons why the data in this section is still presented in a chronological and not a thematic order that directly addresses the sub-research questions, is that the purpose of this section consists not in deep level analysis, but in the presentation of the gathered data and in comparing of variables across data sets in order to identify trends. The aim of addressing the sub-research questions will be fulfilled in the analysis section of the paper, in which the author will switch to a thematic format that directly addresses each of the topics of interest presented in the introduction of this paper.

Two identifiers are used in this section to provide better oversight: the human trafficking victims as individuals are referred to in this research utilizing the label “participant” (P) plus a randomly assigned number (n, 1-10). When looking at socio-economic variables, the scope of research is extended beyond the participant to include her household, which is given the label HH plus a number (n, 1-10). The number used for each household directly corresponds to the number used for each participant. In other words, participant P1 lives in HH1, participant P4 in HH4, and so on.

### Phase 1: Pre-trafficking phase

In phase 1 of the interviews, the participants were questioned about their lives before the point of recruitment, which was seen as the starting point of the human trafficking process. This section therefore explores aspects that were thought to potentially increase or decrease vulnerability to human trafficking ahead of the actual process, such as the participant’s awareness of the practice, the household situation, and the motivations to seek or accept the job offer that ultimately led to the trafficking.

**Awareness of human trafficking.** In order to explore the impact of awareness on vulnerability to human trafficking within the sample, the participants were asked various questions that had the aim of exploring their degree of awareness, as well as their exposure to potential sources of information, especially to mainstream media. In addition to these targeted questions, information was also obtained contextually from other questions that the interviewees answered.

In order to explain how the overall account of the victim's trafficking informed the author's impression of her knowledge of human trafficking, an example shall be given at this stage: For instance, when being asked directly about her level of knowledge of human trafficking before her first encounter with the practice, an interviewee responded "none". However, when being asked about her media usage, she issued: "Radio and TV; they would reveal how some girls maybe get mistreated or used", thereby revealing that she had actually previously acquired knowledge about a general aspect of human trafficking. Some interviewees thus linked awareness of human trafficking exclusively to the knowledge of the term itself, which was then however qualified by them through subsequent statements.

Following the evaluation of all accounts, it could be established that 7 out of 10 interviewees had at least some knowledge of human trafficking before taking up the work opportunity that later led to their exploitation. Within this group of 7, 2 interviewees had advanced knowledge of human trafficking, which means that they had, for instance, discussed the topic in detail within their social environment, seen documentaries on TV and acquired awareness of specific issues, such as human trafficking occurring inside and outside of migration contexts.

The other 5 interviewees showed partial understanding of human trafficking, which means they had picked up on certain cues that are relevant in the context of human trafficking, but ultimately did not give any reason to suggest that they had a deeper understanding of the issue. Examples of this include the participant learning about abductions, "mistreatment" of girls abroad, as well as of girls being held captive and killed by an employer.

Even though some interviewees showed a more comprehensive understanding than others, their accounts also demonstrated certain misunderstanding with regards to human trafficking ahead of the occurrence of the incident. One interviewee, for instance, felt that she was save from human trafficking so long as she would follow a legal (in other words "documented") approach of migration. Other respondents issued that they had imagined that trafficking only occurred in a situation where a person was approached by a stranger.

Next, another aim at this point consisted in determining if mass media had played a role in participants learning about human trafficking, and to explore which other sources of information existed. Of all 7 participants who exhibited one or another level of knowledge of human trafficking, 5 confirmed that they had regular access to mass media sources of

information such as TV and radio, newspapers and internet news service providers. Of these 5 interviewees, 4 in turn reported that they had learned of aspects of human trafficking via one of these media sources. Another 2 interviewees, who had no regular access to mass media, but knew about the practice as well, had learned about it through their social environment. This occurred more precisely through acquaintances, who had discussed the issue at church, or who had viewed a TV documentary and then proceeded to share this information. Among the participants who reported not to have had any knowledge of human trafficking, all 3 stated that they did not have regular access to mass media.

**Household situation.** Human trafficking has frequently been determined to be caused by poverty. While this has truth to it, many publications unfortunately do not really elaborate on the meaning of the term itself, which is an issue as poverty is an abstract and contextual term and can be defined in different ways. For instance, poverty could be defined by a person having less than a predefined minimum monthly income, which in turn could be based on an assessment of minimum monthly living expenses in a particular location. Consequently, owed to different levels of living expenses, in numerical terms alone, poverty in Madrid, Spain is not the same as in Islamabad, Pakistan. Income data alone would of course, amongst other things, omit the differences in the social protection mechanisms in each place, thereby making it a fairly simplistic tool in the first place. Socio-economic deliberations hence require context through qualitative data, and given that this research relies on a low number of participants in the first place, the conceptualization of vulnerabilities related to socio-economic factors will deliberately revolve around qualitative factors that may influence and determine a person's quality of life. Mind that this section only presents the collected data that were deemed relevant in this context and that the analysis of these results in terms of how they affect vulnerability to human trafficking will occur only further below (see section "vulnerability through socio-economic factors).

***Number and role of household members.*** One potential source of vulnerability was envisioned to exist in low access to shared household resources and in having to take care of a high number of dependent persons. In order to investigate this, the interviewees were asked to give information on their household composition ahead of the trafficking incident. A first step in this approach consisted in a division of household members into normed socio-economic groups. The purpose was to determine how many household members contributed to the household



income, how many were able to but ultimately did not contribute, and how many were unable to contribute. From this it can then be learned how the burden of income generation was spread across the household, and how this affected the participant.

Initially, it was deemed necessary to determine which persons in the household were legally allowed to engage in full-time gainful employment. Even though Kenyan law does not define a universal legal working age, it confers special levels of protection onto distinct demographic groups. The relevant regulation can be found in part VII of the “Employment Act”, created in 2007 and revised in 2012. According to provision 56, children under the age of 13 are barred from taking up gainful employment. Children who are including and above age 13, but below the age of 16, may perform light work, so long as it does not interfere with the child’s development, especially in terms of school attendance; this age segment is furthermore prohibited to attend machinery according to provision 58. Children aged at least 16 may perform any kind of work, but all persons who have not completed 18 years of age may not be employed at night time.

Taking this into account, and contrasting it with the data obtained from the interviews, household members were categorized into three distinct groups to determine their eligibility to provide household income: The first group are eligible working age household members (EWA), which are defined as persons above and including the age of 16, and whose physical condition does not prohibit them from taking up gainful employment. The second group are ineligible working age household members (IWA), who are persons above and including the age of 16, but whose physical conditions prevents them from taking up gainful employment, or who continue to rely on income generating household members for the purpose of pursuing their education. The third and last group are ineligible non-working age household members (INA), which are persons under the age of 16, and who are thus legally not permitted to take up full-time work.

	<b>Table T5 – Household composition</b>									
	<b>HH1</b>	<b>HH2</b>	<b>HH3</b>	<b>HH4</b>	<b>HH5</b>	<b>HH6</b>	<b>HH7</b>	<b>HH8</b>	<b>HH9</b>	<b>HH10</b>
<b>EWA</b>	1	1	2	1	1	2	3	1	2	1
<b>IWA</b>	0	1	0	1	0	0	0	0	1	0
<b>INA</b>	3	5	2	1	1	0	2	3	4	4

<b>EWA :</b>	0.333	0.167	1.0	0.5	1.0	2.0	1.5	0.333	0.4	0.25
<b>(IWA + INA)</b>										

For every household, the numbers in the category EWA include the interviewee herself, meaning that the participant presented the only income earner of her household 6 out of 10 times. In 7 out of 10 cases, the interviewee moreover defined herself as the sole head of household. Within many, albeit not all households, the number of non-income earners (IWA and INA) strongly outweighed the number of potential income earners (EWA). On average there were 0.748 EWAs for every IWA or INA, with the lowest ratio found in HH2 (0.167), and the highest ratio found in HH6 (2.0). What these different numbers show is that some victims of trafficking bear financial responsibility towards a greater number of household members than others. To provide some further background, in HH6, the participant (EWA) cohabitated with a friend, who in equal part paid towards the rent of the room, and who provided for her own living expenses (also EWA). In HH2, on the other hand, the interviewee (EWA) sustained her 5 underage siblings (INA) as well as her terminally ill mother (IWA). Overall, the data hence shows considerable differences with regards to the compositions of the participants' households ahead of the trafficking incident.

***Outside obligations and support.*** Financial obligations were, however, found to persist not only within the households of the interviewees, but also outside. Household HH2, which was headed by participant P2, and which already exhibited the worst EWA to IWA/INA ratio, also sustained 2 family members outside the household before the time of the participant's migration. HH5 and HH6, which showed much lower stress levels in terms of the number of household members that needed financial sustenance were also reported as having financial burdens outside their household. Participant P5, for instance, had to financially support her two parents with her income, while P6 paid the school fees of her two younger sisters, in addition to an upkeep that she paid to her mother. On the flip side, only one household, HH9, received financial aid from an outside source, in this case, the husband of participant P9's sister. This is despite the fact that four of the participants (P1, P4, P5 and P10) would have been entitled to child support from the fathers of their children in accordance with the 2001 Children Act.

***Professional situation of study participants.*** Most respondents issued that they were unhappy with their employment situation and outlook, however, there were different reasons. While some strongly bemoaned income insecurity, others were just discontent with amount of money they could earn through their job. Only 2 in 10 interviewees reported having previously worked in a formal sector job, for instance, as a waitress or estate manager. On top of that, these occupations only constituted minor, and – in terms of their duration - finite opportunities. The other 8 participants only engaged in small-scale entrepreneurship in the informal labor sector. Occupations included washing clothes, cooking local snacks, domestic work and hairdressing. Albeit all interviewees reported their discontent with the amount of money they could earn in Kenya, interviewees were more likely to report that they were struggling to make ends meet when the ratio between EWA and IWA/INA in their household was below 1.0. The only real exception to this rule was participant P4, who was able to find temporary jobs in the formal job sector, which provided her with welfare benefits (e.g. health insurance) and stable income for certain periods of time. However, she also reported that an influential factor in her decision to migrate consisted in the suddenness of her losing her last job, which put her under pressure to find a new occupation quickly in order to sustain her standard of living. As such an opportunity did not open up in Kenya, she considered migrating. Most other interviewees, too, stated that they had severe trouble finding employment in the Kenyan job market, despite having applied for a number of positions. The only underage participant in the sample, for instance, reported that even though she occasionally found work as a domestic worker in Kenya, she was often only employed for a very limited amount of time because her employers were not certain about the legality of employing her. Another participant remarked that even though she had occasionally found work, her employers turned out to be verbally abusive towards her, causing her to leave these jobs after a short time.

***Educational backgrounds.*** Participants recurringly stated that they attributed their failure to find a formal sector job to their level of education. According to some interviewees, a condition for finding formal work was not necessarily to have university level education, but it was argued that at least the completion of some sort of professional course at an academy was necessary to obtain such work.

<b>Table T6 – Participant’s highest level of education obtained</b>					
<b>Unknown</b>	<b>Below Standard 8</b>	<b>Standard 8</b>	<b>Below Form 4</b>	<b>Form 4</b>	<b>University degree</b>
2	1	2	3	2	None

Only 1 in 10 interviewees reported having received professional training (in the area of office IT). In addition, only two participants had finished their form 4 education, which in Kenya means a completed secondary school education. Two participants had only completed primary school level education (standard 8), while 1 and 3 participants each reported having started primary or secondary school education without graduating from their institutions. In two interviews, the education of the participants remained unknown because the interviewer unintentionally skipped the question, and it was not possible to interview them again.

***Household standard of living.*** In a next step the standard of living of the participants was explored in more detail. The aim was to move away from looking at poverty as a mere matter of who was providing income, and towards considerations of factors influencing overall quality of life. Since there was no easy way of objectively scrutinizing these factors, participants were asked to provide their subjective opinion on the matters below. The variables comprised physical and monetary access to services, such as education and health care, as well as the household’s habitation standard, which included an evaluation of living space, access to utilities and neighborhood safety.

	<b>Table T7– Household standard of living</b>									
	<b>HH1</b>	<b>HH2</b>	<b>HH3</b>	<b>HH4</b>	<b>HH5</b>	<b>HH6</b>	<b>HH7</b>	<b>HH8</b>	<b>HH9</b>	<b>HH10</b>
<b>Living space*</b>	I	I	I	I	S	I	S	No data	No data	I
<b>Neighborhood safety*</b>	I	I	S	S	I	S	S	I	I	I
<b>Access to running water*</b>	I	I	I	S	S	S	I	I	I	I
<b>Access to electricity*</b>	I	I	S	S	S	S	S	S	I	I
<b>Access to health care*</b>	S	S	S	S	I	S	I	S	S	I
<b>Access to education*</b>	S	S	S	S	S	N/A	I	S	S	I

\*I = insufficient, S = sufficient, N/A = not applicable

As can be seen in the table above, respondents evaluated their quality of life relatively evenly in some aspects, but unevenly in others. Access to health care and access to education for household members who had not finished their education was evaluated relatively good, with only 3 and 2 participants respectively evaluating their household members' access as insufficient. Moreover, interviewees who evaluated these factors negatively qualified their statement in the sense that they did not criticize their physical access to the resources, but that they could not afford them. Opinions were also relatively clear with regards to the availability of enough living space. Only two participants, P5 and P7, evaluated their accommodation as sufficiently spacious to host all members of their household.

The picture was more mixed with regards to availability of utilities. A larger number of households had access to electricity than to running water. This is also important in economic terms, because not having access to running water means having to buy water on the open market, where prices can fluctuate strongly. In living situations in which consumers obtain running water in their estates as part of their rental agreement, prices remain more stable or are fixed. Lastly, interviewees also differed in their assessment of the safety of their living environment, with a slight majority finding their neighborhoods rather insecure.

***Household financials.*** Even though there were differences with regards to how difficult households found it to cover running costs through their incomes, a unifying element between all of them was that none of the interviewees reported having been in a situation to set aside savings for emergencies and future investments. However, even though a number of participants indicated that their household had regularly struggled to cover running costs, 5 out of 10 interviewees (P1, P3, P4, P5 and P9) were deemed credible enough to receive loans from a bank (P3), an employer (P4) or a chama (P1, P5 and P9).

***Contributing factors.*** Respondents also named a wealth of additional factors that negatively influenced their quality of life and the well-being of their households ahead of the trafficking incident:

	<b>Table T8 – Contributing factors</b>
<b>HH1</b>	Parents had died, which discontinued their financial support for her
	Sister had died, leaving participant P1 with her 2 children
	Land grabbers from her father’s side of the family stole her inherited property and burned down her house
<b>HH2</b>	The falling ill of her mother, which led to her as the oldest child having to head the household
<b>HH3</b>	A failing, abusive relationship with her husband that left her physically and emotionally injured
<b>HH6</b>	The separation of her parents, which her father took as a reason to stop paying for her siblings’ education.
<b>HH7</b>	Lack of access to joint household finances and breakdown of her marriage
<b>HH8</b>	Deceptive recruitment of her husband into a criminal network and his subsequent killing through mob justice after having been caught stealing
<b>HH9</b>	Husband was killed during 2008/09 post-election violence
	The arrest of her son by police, which required her to take out a big loan to post bail
<b>HH10</b>	Orphaned from an early age

These factor were normally events that happened only relatively shortly before the trafficking incident, but in the case of participant P10, being an orphan constituted a disadvantage she had dealt with for the longest part of her life. The events can furthermore be broken down into two categories. First, there were factors that imposed additional financial burdens on the participant, such as having to take care of a deceased family member’s children, needing to provide for siblings’ education following the divorce of their parents, and having to bail out a family member. Such incidences can impose extremely high costs on the affected persons:

When I was leaving I had a loan for 20,000 Shillings because there was a time my son was arrested and was taken to court. I followed him and I was told he hadn’t committed a crime, but it’s just the way. If young boys are found hanging around, they are suspected. He was given a bond for 50,000 Shillings which I wasn’t able to raise. I told him to persevere and stay until it [the bond] gets to 10,000 or 20,000 Shillings. So when it got to

20,000 Shillings after 4 months, I went and got a loan somewhere. After he had been released is when I got the opportunity to travel so I hadn't paid it. When I came back in 2015, I found that it had gained a lot of interest. [...] I paid a lot of money almost 200,000 Shillings, but I had borrowed a small amount

Second, there are incidences that impacted the participants by depriving them of joint income and assets. Data in this context indicated that a former household member of one of the participants (her late husband) may have been trafficked before her, but the data on the case overall is insufficient to determine that because it does not indicate whether the husband was forced to perform the work:

I didn't have anyone to help me. My husband died and his family refused me and my children. So, it's just me and my children. My husband was a casual laborer in the ghetto but he came and joined a group which showed him that he was doing casual jobs for 300 Shillings a day, there's somewhere you can make more. So, my husband went and joined a gang and they used to steal in other areas. The last time, they went to Murang'a because they weren't known there. He was beaten through mob justice and he died.

In another case, the participant inherited property from her family and was thus initially in a financially secure position. This is, however, also when her troubles began:

When my adult life was just starting, I used to live in a compound owned by my parents. But there were land grabbers who came and claimed the land, so we were chased away and when we kept coming back, the place was burned. After it was burned, I didn't have money to rebuild so we just left with what we had and I had to start from the beginning. I bought a mattress, people from Red Cross came and gave me two blankets and the women around gave me cooking pots. But now you see I had to start all over again, I had no house, clothes, the house I got I had to be paid rent, food was a problem and sometimes I had to deny myself so that the children could eat.

Yet other factors that fall into the latter category of factors that diminish income, are divorce from an abusive partner, orphanage, and death of outside of household providers of income.

The data furthermore revealed that the interviewees only had modest institutional support outside of their families. Institutional support, in this context, refers to services that could potentially improve the livelihoods of economically disadvantaged persons such as debit and

credit unions, trade unions, welfare organizations (especially such connected to faith based organizations), insurance schemes, employment exchanges (including social media and online groups) and the National Employment Bureau (a Kenyan state institution responsible for registration and placement of job seekers).

Most of these options were simply completely unknown to participants, or they felt that membership was not an option for them, as the process of joining certain groups was deemed too complicated, or because the institutions were deemed either logistically or monetarily exclusive to them:

You find people have joined groups, community welfare groups. If you don't know someone who can organize it for you and show you how it works, you wouldn't know. You're in darkness.

What the interviewee means when mentioning community welfare groups, are *chamas*. “Chama” is simply the Swahili word for “group of people”, but there are actually two different types of these associations in Kenya: welfare *chamas*, commonly referred to “merry go round” schemes, collect a set amount of money from their members and then pay out the overall amount to a single member who is in need of making an investment until each and every member has had his or her turn. The advantage for the members consists in having money as the need arises. For instance, if a parent needs to pay for a child’s school fee, saving the necessary amount could result in a disruption of the child’s education. *Chamas* can therefore be considered debit as well as credit unions, depending on how soon their members require payout. This system of course requires a level of trust, as members who drop from the system after payout, without reinvesting their set share, can put the integrity of the system at risk. Consequently, *chamas* also have a social aspect to them. New members are vetted by old members and social cohesion is ensured by way of holding events and get-togethers. As trust is a foundation of a *chama*, they are often legally unregulated and not set up as registered businesses. The other type of *chamas* are investment groups that can hold capital for longer periods of time before paying out profits to their members. *Chamas* are organized around groups with common interest such as families, neighborhoods, or staff of companies and organizations (Kenya Association of Investment Groups, 2014, p. 14). Out of the 10 interviewees in the sample, in total, 3 were a member of a welfare *chama*.



**Motivation to take up job offer.** Lastly, in looking at factors that contributed to the trafficking of the participants during phase 1, the project also aimed at learning more about possible positive, and also about less financially motivated reasons in the decision to take up the job offer that ultimately led to the participants' trafficking. Such positive motivations were conceptualized to be, for instance, the learning of a new language, getting to know a different culture and geographical environment, friends or relatives to be visited in the destination area or the desire to acquire new professional skills.

The results were quite clear in this regard, with the majority of interviewees putting great, if not exclusive, emphasis on monetary reasons. The earning of money, however, of course had an ultimate end too. As mentioned above, a number of respondents had taken out loans with *chamas* even before the commencement of the trafficking incident, which they had to repay. In addition, most interviewees said that they needed to raise more money in order to be able to continue their financial support of family members. Lastly, one participant also named her previous positive labor migration experience as a reason to seek employment abroad for a second time:

I left to go for my first year's contract and the first place where I went was good. I was received very well, in a home that was good and I worked for them for 1 year and 8 months. After that they gave me a break, I came to Kenya, stayed here for 3 months and I went back. Those people were working with me in a good way. Then I started working to finish my 2 year contract and I finished my 2 years contract in that place and it was good. Now it's after those 2 years I came back to Kenya. Then I decided to go back there. It was me who decided to back but not to the same place where I worked with good people.

## **Phase 2: Peri-trafficking phase**

In Phase 2 of the interviews, participants were now asked to provide information about factors relating to the actual human trafficking process, from the point of recruitment to the eventual flight from the situation. These aspects included above all the persons involved in the recruitment, the tools of recruitment, the means of migration, the forms of abuse committed and the types of control exerted over the victims, as well as the question of how the situation of vulnerability was eventually resolved.

**Persons of first contact (PoFC).** In a first step that was intended to explore the specifics of the recruitment process, the interviewees were asked to disclose the person who had first made them aware of the job opportunity that later led to their trafficking. Through the retrieved data it was then possible to create profiles of these persons and to get some first cues about their involvement in the recruitment process.

	<b>Table T9 – Profile of persons of first contact</b>			
	<b>Role of PoFC</b>	<b>Relationship</b>	<b>Identity</b>	<b>Involvement</b>
<b>P1</b>	Neighbor	Acquaintance	Similar age, female	Referral only
<b>P2</b>	Stranger	Stranger	Older, female	Full escort
<b>P3</b>	Friend and neighbor	Childhood friend	Older, female	Referral only
<b>P4</b>	Sister	Family	Older, female	Referral only
<b>P5</b>	Friend	Childhood friend	Similar age, female	Visa procurement
<b>P6</b>	Friend	Childhood friend	Similar age, male	Referral only
<b>P7</b>	Friend and neighbor	Childhood friend	Similar age, female	Escort to agency
<b>P8</b>	Neighbor	Acquaintance	Older, female	Agent, escort to agency
<b>P9</b>	Friend	Chairperson of her Chama / friend	Unknown age, female	Full escort
<b>P10</b>	Friends (2)	Childhood friends	Similar age, female	Escort to agency

***Role and relationship of PoFC.*** As can be seen above, in the sample, the PoFC was frequently a person very close to the victim. In 7 cases the victim reported a close or very close relationship with the PoFC based on a years-long relationship formed during childhood days, through familiar bond or a relationship that started out professionally, but then became more personal (P9). The participants P1 and P8 did not report a close relationship, but issued that they trusted their PoFC due to having known them for a long time as neighbors. Only one person (P2) was approached through a complete stranger.

***Age and gender of PoFC.*** In 9 out of 10 cases the PoFC was a woman, and therefore of the same gender as the interviewee. Only one participant, P6 was first approached about job opportunities abroad through a male friend. There was a more mixed picture with regards to the age of the PoFC. Many victims were not able to exactly determine the age of the person who first contacted them about available jobs. There is therefore no exact scale for what constitutes an older, younger or similarly aged person, this assessment is mostly based on perception. Since this section is, however, meant to look at the relationship dynamic between the participant and the PoFC, perceptions are actually deemed more important than an exact scale of age differences.

***PoFC's level of involvement in recruitment process.*** Differences also existed with regards to the perceived level of involvement of the PoFC. Most (4) of them only referred the victim to an agency by handing out a phone number or mentioning an address where the victim should meet up with somebody else (these could be public places but also an office space rented by an agency). Another 3 PoFC escorted the victim to an agency office, while the rest (2) escorted the victim during the full recruitment process. Full escort means specifically that the PoFC was involved in the obtaining of the migrant's passport from the immigration office, accompanied them for medical exams, and drove or accompanied them to the airport. The last PoFC acted from abroad and only referred the interviewee to a person who would aid her in obtaining her visa after the embassy of the destination country declined her application.

Only 4 interviewees, P1, P2, P8 and P9 had a concrete suspicion that the PoFC may bear some sort of responsibility for their trafficking. In most cases, the participant's level of trust or suspicion about the PoFC involvement or non-involvement appeared to be linked to their previous relationship with the person. In other words, in almost all instances in which a family member or close friend was involved, the participant did not believe in an involvement. The only exception to this rule is the case of participant P9, where the suspicion of involvement was explicitly confirmed by the interviewee.

***Recruitment methods.*** In order to be able to judge more accurately what was the role of PoFC and the recruitment agencies involved in the trafficking process, the victims were then prompted to talk freely about the recruitment process as they had experienced it. This then provided data on what measures were being used when the participants were approached about the job offer that led to their trafficking.

	<b>Table T10 – Recruitment methods used</b>
<b>P1</b>	<p><b>(PoFC) Luring:</b> using a supposed personal migration success story</p> <p><b>(PoFC) Coercion:</b> to not pass on an opportunity to improve her living situation</p> <p><b>(Agency) Isolation:</b> at location unknown to the victim shortly before travel</p> <p><b>(Agency) Coercion:</b> to quickly sign a contract just before departure</p> <p><b>(Agency) Deception:</b> about her final destination, which was Qatar, not Dubai</p>
<b>P2</b>	<p><b>(PoFC) Observation:</b> of victim's brother collecting firewood</p> <p><b>(PoFC) Deception:</b> of victim and her mother about the safety of migrating</p> <p><b>(PoFC) Deception:</b> about her motives, suggesting she would only like to help</p> <p><b>(PoFC) Coercion:</b> to not pass on an opportunity to improve her living situation</p> <p><b>(PoFC) Coercion:</b> to repay recruiter for expenses when victim got second thoughts, constitutes debt bondage situation</p> <p><b>(PoFC/Agency) Isolation:</b> at agency office shortly before travel</p> <p><b>(PoFC/Agency) Coercion:</b> to quickly sign contract just before departure</p>
<b>P3</b>	<p><b>(PoFC) Luring:</b> using a supposed personal migration success story</p> <p><b>(PoFC) Deception:</b> about the safety of migrating</p>
<b>P4</b>	<p><b>(Agency) Snowballing:</b> sister, who was victim's PoFc was the first to be contacted about job opportunities by family friend and subsequently relayed the job information</p>
<b>P5</b>	<p><b>(PoFC) Luring:</b> using pictures of purported potential work places and job offers</p> <p><b>(PoFC) Deception:</b> about her motives, suggesting she would only like to help</p>
<b>P6</b>	<p><b>(PoFC) Luring:</b> saying that his sister was already in the destination country</p> <p><b>(Agency) Coercion:</b> to quickly sign contract just before departure and even in absence of required language skills to understand the subject matter</p> <p><b>(Agency) Isolation:</b> before start of the journey</p> <p><b>(Agency) Deception:</b> about her final destination, which was Saudi Arabia, not Qatar</p>
<b>P7</b>	<p><b>(Agency) Snowballing:</b> the victim's PoFC was recruited by her aunt, and also found herself in a trafficking situation at the same time as the victim</p> <p><b>(Agency) Deception:</b> about working conditions (suggested flex-time domestic work)</p>
<b>P8</b>	<p><b>(Agency) Deception:</b> about the type of her work, turned out to be caretaker for elderly person instead of performing domestic work</p>

<b>P9</b>	<b>(Agency) Deception:</b> about the amount of money she would be paid
<b>P10</b>	<b>(PoFC) Luring:</b> using social media account of common friend in destination country <b>(Agency) Deception:</b> about the scope of her work, had to take care of mentally disabled child on top of domestic work

As can be seen in the table above, there is no fixed pattern with regards to the methods that are used to recruit vulnerable persons into a trafficking situation. At least two participants were recruited as part of a snowballing system. In the case of interviewee P7, for instance, this meant that she was told about a job opportunity by a friend, who was herself recruited by an aunt of hers, who operated as the agent of a recruitment agency. Since the PoFC was a friend, and as she was going abroad via the same agency, the participant did not suspect that there could be issues ahead. Participant P4 received information about available jobs from her sister, who had received this information from somebody in her own social environment. Whether the agents in this case actively encouraged others to find new contacts, or if the snowballing of information constituted a coincidental event, unfortunately remained unknown from the account of the participants.

Not all interviewees were equally enthusiastic about going abroad, which led to some PoFC becoming more insistent. Both positive and negative forms of reassurance were used to convince the participants to migrate. Luring most often involved the usage of supposed positive migration experiences of the PoFC, or of persons that the PoFC knew. Another method consisted in the provision of pictures of alleged potential workplaces and in the demonstration of the social media profile of a common friend in the destination country. Coercive methods normally involved pressure not to pass up on a great opportunity. In addition, the participants were deceived in multiple ways, which included the giving of misleading information about the safety of migrating to the destination countries (including assurances that the victim would be repatriated in case an issue arose), false statements about the PoFC's motive of engaging the interviewee, as well as misleading information about the type of work, working conditions and payment.

Following the completion of travel arrangements, and especially in the days just before the travel to the destination country, agencies executed measures to ensure that the migrants would not cancel their plans at the last minute. The most significant event occurred in the case of

participant P2: when she had second thoughts about the safety of going abroad, the PoFC came to her home, insisted on her fulfilling the contract, and demanded compensation for fees incurred through already completed travel arrangements in the event she would not go. Feeling put under pressure, and oblivious about her rights, she gave in to the PoFC's demand. Other participants reported that they were isolated 1 to 2 days before their trip at unknown locations in Nairobi before they were taken to the airport by the recruiter.

At the airport, a number of interviewees reported being pressured into quickly signing contracts, with agents reportedly just indicating the supposed wage in the contract, after which they pointed the participant to the dotted line. Other travelers who were recruited by the same agencies and who only spoke Swahili were not provided with a contract in their native language. Two participants even reported that they were only told their actual travel destination right before boarding the plane.

However, while a number of agencies coerced victims to sign contracts at the last second, it was rather rare for the recruitment process to go through in the absence of any sort of documentation. Only P5, P8 and P10 reported that they did not get to sign a contract ahead of their travel. This does not seem coincidental. P8 and P10 were the only victims to report that the type or scope of work they were performing did not match the description they were given by their agencies ahead of the interview. In the case of P5, the recruitment furthermore occurred from outside the country and apparently did not involve contact with an agency with an office in Kenya. The remaining 7 victims did sign contracts with their agencies. In one case though, rushing the victim (P1) even led to the situation that she found herself unable to identify in which language the contract was issued.

	<b>Table T11 – Contract details</b>									
	<b>P1</b>	<b>P2</b>	<b>P3</b>	<b>P4</b>	<b>P5</b>	<b>P6</b>	<b>P7</b>	<b>P8</b>	<b>P9</b>	<b>P10</b>
<b>Contract language*</b>	U	E	E + A	E	N/A	E	E	N/A	E	N/A
<b>Wage stipulated</b>	Yes	No	Yes	Yes	N/A	Yes	Yes	N/A	Yes	N/A
<b>Type of work stipulated</b>	No	No	Yes	Yes	N/A	Yes	Yes	N/A	Yes	NA

\* E = English, A = Arabic, N/A = not applicable, U = unknown

In the case of one participant, the contract was partly issued in Arabic, which however did not obstruct her overall understanding of the subject matter. Although 2 respondents, P1 and

P2, signed contracts that did not stipulate the type of work they ought to perform, they did not report a mismatch between the type of work offered to them verbally, and the type of work that they actually performed. Participant P2 furthermore clarified that her contract did not stipulate a wage.

**Means of migration.** All of the victims in the sample migrated directly via airplane from Kenya to their destination countries. Although some victims reported that they had to change planes along the way, none reported staying over in another country or crossing borders via land travel. This suggests that smuggling did not take place, and that the entry into the destination countries mostly occurred legally. A possible exception is the case of participant P5, in which a forged or illegally obtained document may have been used to enter the country. The respondent reported that the embassy of her destination country had denied to issue her a permit, which prompted the PoFC to refer her to a contact outside the embassy to obtain the visa.

	<b>Table T12 – Agencies’ involvement in travel process</b>									
	<b>P1</b>	<b>P2</b>	<b>P3</b>	<b>P4</b>	<b>P5</b>	<b>P6</b>	<b>P7</b>	<b>P8</b>	<b>P9</b>	<b>P10</b>
<b>Procurement of flight tickets, work and travel documents</b>	Y	Y	Y	N	N	Y	N	Y	Y	Y
<b>Payment</b>	In full	In full	In full	In full	Partial	In full	Partial	In full	In full	In full
<b>Mode of travel*</b>	G/S	G/D	G/S	A	A	G/S	G/S	G/S	G/S	G/S

\*G=in group, S=same final destination D=different final destination, A=alone

Procurement and payment of flight tickets and necessary documentation such as yellow fever certificates, passports and visas was in most cases handled entirely by the agencies. In the only case in which an agency was not involved on the ground in Kenya, the obligation to do so automatically fell to the interviewee herself, with the exception of the plane ticket that she could not afford (P5). Participant P9 also reported that at least the payment for the passport constituted her own obligation. 7 out of 10 interviewees furthermore reported that they travelled as part of a bigger group of people to their destination countries. None of the agents who brought the migrants to the airport, however, joined them on their travel. In the destination country, the study participants were either received by another agency, or by the employer him- or herself.

**Abuse committed against and means of control exerted over victims.** While there are vulnerabilities that may lead to the act of trafficking, there are also such vulnerabilities that occur

as a direct result of the trafficking. Verbal and physical abuse, isolation as well as discrimination are tools used by traffickers for the purpose of intimidating, subjugating and exploiting the victims. This part of the paper therefore concerns itself with the reason why victims stay vulnerable vis-à-vis the persons who gain control over them. In addition, it sheds some more light on causes of vulnerability that are not rooted in the victims' livelihoods but rather in hidden, systemic issues around identities.

***Victim isolation.*** Isolation of victims can be separated into two distinct categories, spacial and social. Spacial isolation includes all factors that restrict a trafficking victim's freedom of movement. Some of these restrictions are deliberately caused by trafficking perpetrators, while yet others are the result of preexisting conditions not directly relating to the act of trafficking itself.

An example of the former is the taking away of the trafficking victim's passport by the employer or agency in the destination country. In the sample, 8 out of 10 interviewees confirmed that their passport had been taken away from them, either by an agency in the destination country (which could be parent companies, subsidiaries or clients of the agency in the victim's host country) or by the employer. In the case of the other two interviewees it could not be established from their narrative whether their passport had been taken away or not. Some, but not all victims reported that their money had been taken from them, or that their salaries were not paid to them either in part or entirely, which then became an additional stumbling block for a flight:

[..] I cannot work I am tired, nobody is helping me, I think I should run away. I go to the embassy or I go to the police station. If I could find the labor office I would go there. But now how can you find these places? You are in a foreign country, you don't have money  
[..] (Participant P4, personal communication).

The participant's account also already demonstrates the problem that not all causes of isolation are created by the traffickers, but that factors like a faraway embassy simply work in their favor, thereby adding to the victim's vulnerability to continued exploitation through the employer. Other examples of physical barriers that were reported by victims consisted in walled and fenced premises, which are in addition sometimes guarded by security personnel. However, not only physical, but also legal barriers play a role in the isolation of female trafficking victims. In Saudi-Arabia, the freedom of movement of women in public spaces is severely restricted and movement without a male guardian or valid travel documents can quickly end in arrest and



incarceration (Beckerle, Kristine, 2016). One of the seven women who travelled to Saudi-Arabia reported being arrested when 7 months pregnant as she was waiting for the Kenyan embassy to issue an emergency visa so that she could travel back home:

I guess a Kenyan told them we stayed there [at the hideout] and we didn't have the papers, the authorization. And so he [the police chief] opened the door. Policemen came in. They told us to wear our Abaya [full body veil], we wear them. They took us to the women prison. My baby was already coming and they took me to the hospital. I had twins actually, a boy and a girl. But the boy was small, he was 1 kilo, he didn't make it. But the girl made it. I left her at the hospital, I went back to the prison and it was hard.

The other aspect, social isolation, can be the result of restriction of physical movement, but it also includes the confiscation of mobile phones and the prohibition of personal contact with household members or household visitors. Overall, 4 out of 10 participants noted that their mobile phones had been taken away from them by their employers. Moreover, social isolation also occurs through language barriers. Interviewee P6, for instance, noted that her escape was complicated by the fact that she found it almost impossible to communicate with the taxi drivers in her destination country, who did not speak English, and did not seem to know the location of the Kenyan embassy.

A practice that falls in between the scope of spacial and social isolation is the practice of misleading the victim of her work location. For example, the agencies of two participants only disclosed the interviewee's actual destination country following their arrival at the airport in Kenya. In addition, in the case of participant P5, a wrong address was given to the victim in order to make it difficult for any potential rescuer to locate her.

**Physical abuse.** Abuse and discrimination were found to be rife amongst the cases documented in the study. All participants spoke of having encountered physical abuse and 5 out of 10 reported some form of verbal abuse.

	Table T13 – Forms of physical abuse encountered									
	P1	P2	P3	P4	P5	P6	P7	P8	P9	P10
<b>Overworked</b>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<b>Sexual violence</b>	Yes		Yes		Yes		Yes		Yes	
<b>Non-sexual violence</b>	Yes		Yes		Yes				Yes	

<b>Pouring of cold water</b>	Yes									
<b>Sleep deprivation</b>	Yes	Yes							Yes	Yes
<b>Food deprivation</b>	Yes	Yes	Yes						Yes	
<b>Hygiene deprivation</b>			Yes							
<b>Exposure to bio health hazard</b>								Yes		

The most common complaint involved overworking, which includes exposure to very long working hours, withholding of proper tools to perform work and performance of challenging work tasks (e.g. caretaking of elders and handicapped persons) in the absence of necessary qualification and equipment such as gloves. The second most frequent occurrence consisted in sexual violence, including rape, attempted rape and forced prostitution. Sexual violence was carried out exclusively by men, but was also found to occur in the knowledge of close female relatives of the perpetrators who lived in the household. As victim P9 recounts:

[..] He would say that his mother paid for me to come and work and that the work that I was paid to do, I would have to do because she is paying and that what he told me to, I would have to do. The first day I was able to resist and he left me alone and when his mom came back at around 3 pm, I told her and she said that her son would not do something like that. So just kept quiet.

Non-sexual violence occurred in response to victims refusing to work, complaining about their work conditions or when attempting to flee the situation. In most cases it involved beating of the victim through an agent in the destination country or through the employer, but in one particularly violent scenario, the participant recounted being thrown off the fourth floor of an apartment building, resulting in grave injuries. Equally common forms of physical abuse were sleep and food deprivation.

Less common acts included pouring of cold water, hygiene deprivation and exposure to health hazards. In the last case, an interviewee described having to scrub off an elderly woman carrying a skin disease. As the woman kept trashing about in the tub, the victim would often get

soaked in the contaminated water. In addition, she reported that she was not given protective gloves to perform her work.

**Verbal abuse.** The most common form of non-physical abuse was the issuing of threats against the victim. P9, who was raped by a male family member in his mid-twenties at the house where she worked as a domestic worker, said that when she struggled with her assailant, he threatened to beat her and to throw her from the multistory building. He moreover threatened her at gun point. As she alarmed his mother, who was her employer, about what happened, she dismissed her claims as made up. The interviewee P2 reported that her employer's daughter threatened to stab her when she became aware of the interviewee building a relationship with a male visitor, which the employer's daughter wrongly interpreted as a romantic interest and took offence by. Participant P10 was repeatedly yelled at, and received death threats from her employer when the family's mentally disabled child she was supposed to watch out over hurt himself during moments when her caution slumped due to tiredness. Respondent P1, who like P9 was raped by her employer's son, was openly labeled by the perpetrator's wife as a slave: "At around 3 am, one of the son's wife found me asleep and she asked why I was sleeping and if I thought slaves there slept".

**Discrimination and harassment.** In addition to verbal abuse, all respondents furthermore issued that they were subject to discrimination and harassment in their destination countries. Most of these violations occurred based on race and faith, but there were other examples. One respondent, P8, felt shamed for her for her body, based on the fact that her employer remarked how she almost did not recognize her, for she had looked leaner on the photo provided by the agency. Another interviewee, P9, recalled that one of her first interactions with a person at the destination country involved the border patrol officer giving her the unsolicited advice that she should better not have an affair with a married man.

The most common forms of harassment and discrimination reported were coercion to convert to Islam (P1, P6 and P7), and racial segregation (P1, P2, P3, P6, P7). In her endeavor to convert the participant (P7), one employer went as far as offering the victim money in return for her compliance. Racial segregation, on the other hand, had different manifestations. Commonly, trafficking victims were not allowed to sit at the dining table or on particular furniture like couches and chairs in the common room areas of the house. They were furthermore prohibited to take part in the family life, and were in certain cases ordered to only use dishes that were

assigned to them. Above that, they were given instructions to separately clean dishes used by them, and the employer and their families respectively. The same then applied for worn clothes. Three participants (P2, P4 and P6), in addition, felt that having to go through a second health test at the destination country after having already undergone testing in Kenya resulted in a discriminatory state practice.

The following example shall serve to showcase how even just the idea of discrimination and abuse can turn into a trafficker's weapon for the purpose of controlling his or her victim: The interviewer asked the interviewee (undisclosed, due to mentioning of location data below), whether she had encountered discrimination or verbal or physical abuse based on her age, gender, ethnicity, disability or religion during her time of trafficking. The interviewee denied this, but then immediately qualified her answer by saying "but Indians hate Africans so much". When asked by the interviewer in which way that would show, she replied "you can't walk during the day the way you can walk from here [South B district in Nairobi] to town. In India you can't." When the interviewer followed up on what she thought might happened, the interviewee revealed the source of her fear: "I really don't know but that's what she [the PoFC in India] used to tell me because I only stayed there for two days."

***Economic crimes.*** Participants reported unilateral reduction of the original wage or the withholding of parts of the wage by the employer. It has to be noted though that not all respondents were equally affected by this practice. One trafficking victim could for example receive 3 percent less than stipulated in the contract, while another would only receive a third of the guaranteed wage by her employer. In one case, the wages were paid in full by the employer but were then lost completely: the victim in this case (P2) sent remittances to the PoFC in Kenya, believing that the money would be given to her family. The PoFC, however, turned out to keep all of the money to herself, arguing that it was needed to recover the costs of her travel. Three participants, P1, P4 and P10, furthermore noted that their employers stole their possessions, which they had to leave behind during their flight. When it became clear that they had escaped from their place of exploitation, the employers simply did not return the items or deceived the victim by emptying the original content and filling it with worthless substitutive items. The most severe economic crime in connection with a trafficking incident was recorded in the case of participant P6, as the agent in the destination country attempted to extort 300,000\$ from her in order to allow her to return to Kenya.

***Failure to render assistance.*** The interviews showed that victims who remain able to communicate or who restore their ability to do so also encounter rejection from the persons they trusted and depended on. For instance, in the case of participant P2, the PoFC did not only steal her remittances, but she also refused to help the victim to return home. This is in direct contravention to a guarantee to return home she had given the victim before migrating. Instead she accused the interviewee of lacking work ethic and insisted she fulfill her contract. In the case of respondent P3, the agency in the destination country, too, insisted that the victim should respect her contract, which likely would have led to the next abusive situation according to the interviewees account:

He [the agent in the destination country] asked to take me to work somewhere else but I refused because that man was asking me to massage him and he was a man. So I just told him to take me back to where he got me which was the police station.

Apart from providing a first point of contact after escaping from her first employer, the police however did not provide any form of assistance. The interviewee's situation was only resolved after she paid the bulk of the price for her return ticket, which the agency then obtained for her. A particular severe case of failure by police to provide protection occurred in the case of participant P7. When she encountered law enforcement officers after having just fled from her employer's premises, instead of providing shelter, the policemen intended to return her to the house. She then however managed to escape from police as well.

**Resolving of the trafficking situation.** As the trajectory moves towards the point where the victim undertakes steps to resolve the trafficking situation, it is important not to just address what made the victim vulnerable, but also which factors aided in the victim's flight. This serves to give a better understanding of differences in victim's resilience and resilience building in response to the trafficking crime. In addition, in some cases, this section aids in understanding the role and course of action of perpetrators, agencies and PoFC. The following persons and institutions contributed or attempted to contribute towards the return of the victims to Kenya (in chronological order):

<b>Table T14 – Players involved in flight from trafficking situation</b>			
	<b>Location</b>	<b>Person / Institution</b>	<b>Role</b>
<b>P1</b>	DC*	Cousin	Coincidentally met her at church, and she gave the interviewee her number. Provided shelter after flight from place of exploitation.
	DC*	Cousin's husband	Paid for a flight back to Kenya on a cargo plane (because passport had been taken)
	DC*	Security guard	Was a Kenyan as well. They were not allowed to communicate, but the interviewee established a relationship and won his sympathy. He then helped her escape.
<b>P2</b>	DC*	Family friend of employer	They talked about her working conditions. He took an interest in her life and showed sympathy. Eventually provided her with a phone, but her only contact was the PoFC in Kenya, who refused to help her get back home.
	DC*	Police	Encountered them when she ran out on the street after employer's daughter threatened to stab her. They secured the return of the interviewee and of other trafficking victims who sought shelter at the same police station, but specifics of the process remained unknown to the survivors.
<b>P3</b>	DC*	Police	Provided shelter when she encountered them on the street and told them that her employer intended to rape her.
<b>P4</b>	DC*	Employer	The last of the 17 employers that she was sold to brought her to a police station after she had worked for him for 3 months.
	DC*	Police	Secured her return home by mediating between her and the guarantor (person who has to secure a foreign laborer's work permit) in the destination country. Offered shelter and urged guarantor to pay for her plane ticket.
<b>P5</b>	Kenya	Friend	The interviewee contacted a friend in Kenya via WhatsApp. This friend in Kenya, in turn, got in touch with a common friend in the destination country.
	DC*	Friend	The common friend notified the embassy about the case
	DC*	Embassy	The Kenyan embassy was unable to locate her because she did not know her real address. They monitored her state of health while in hospital, but did not organized for her return.
	Kenya	Religious community	The interviewee contacted the head of her religious community. A sister started looking for an NGO to help her.
	Kenya	NGO	HAART Kenya, a national organization, learned about her case and arranged for her flight back.
<b>P6</b>	DC*	Diaspora	Kenyan trafficking victims in destination country consulted amongst each other about how to escape.
	Kenya	Cousin	Contacted the foreign affairs office in Kenya about her case, who then notified the embassy in the destination country.

	DC*	Embassy	Were unable to locate her, but provided shelter after she managed to escape by herself.
	Kenya	NGO	HAART Kenya, a national organization, learned about her case and arranged for her flight back.
<b>P7</b>	DC*	Diaspora	Other Kenyans in the destination country provided shelter for persons on the run from employers and police
	Kenya	Sister	Lacked the money to buy her a ticket back. Tried to hold the agent in Kenya accountable, but ultimately failed.
	DC*	Embassy	Issued an emergency passport, but otherwise acted passively, especially during her time of imprisonment. After Kenyans staged a prison protest, the embassy organized their return.
<b>P8</b>	N/A	N/A	N/A
<b>P9</b>	DC*	Husband of her employer	Took mercy on her when he recognized how shaken she was following her rape by his son. Brought her to the embassy.
	DC*	Embassy	Organized her return, provided food, clothes, shelter and two days of counseling.
<b>P10</b>	DC*	Agency	The job agency in the destination country provided a number for emergencies. Picked her up and organized her return as she made it clear she did not want to take up another job.
	Kenya	Friends	The interviewee contacted friends to hold the agency in Kenya accountable in case she would not receive help.

\*DC = destination country

The results show that even as all victims have their movement restricted by their employers, there are certain differences in terms of how isolated victims are. P1, for instance, was given the opportunity to attend church, where she coincidentally met her cousin, who together with her husband had a residence permit and accommodation in the country. The respondent also noted that her employer had given her the opportunity to call family in Kenya after 6 months to notify them about her arrival in the destination country.

Other victims, however, are not equally lucky. They are fully isolated from their environment and have to wait for an opportunity in which their employers let their guard down, for instance, when leaving the house, or they need to refer to deception, as was the case with interviewee P8:

What I did was, I just stayed and I told them that my mother had died. I lied to them and said that in my culture, your mother cannot be buried if the firstborn isn't there. I told them that if I go, I would come back and they believed me. That's the lie I told.

Nevertheless, other respondents issued that they had received help even from persons inside the households they were working in, such as the husband of the employer (P9), visitors to the house (P2) or the security guard (P1). These individuals took notice of the abuse that the trafficking victims were subject to or simply learned about it by taking an interest in their lives and then proceeded to help by providing a phone, or by escorting the victim to safety.

In two cases (P2 and P4) police got directly involved in securing the repatriation of the interviewees, but in doing, in at least one case (P2) also used them for their own interests:

[..] I just had to run away. I only ran away with the clothes I was wearing, I met with the police on the road. They took me to the police station because I didn't know where I was from and I only knew my employer as Mohammed and that is why they started to find a way to bring me back to Kenya. [...] At the police station, they tried to call, I don't know what they did...at the police station, I used to do casual labor. I would go and wash clothes for the police men and then we were brought back. There were many of us. I don't know if the government had issued something for us to be brought back. That is how i came back. I'm not sure how, we were just told we're coming back to Kenya.

Persons in Kenya, who were contacted by some of the interviewees, also attempted to help, but were not equally successful in doing so. In the case of participant (P5), for instance, a friend in Kenya initiated contact with a common friend in the destination country, who in turn could bring her case to the attention of the Kenyan embassy. As the embassy was, however, unable to locate her, due to the wrong address the employer had given her, the attempt turned out to be in vain. Her exploitative situation was only resolved after she was thrown off a multistory building and gravely injured in the process. Locating the victim was also an issue for the embassy in the case of interviewee P6, as she had no information about her whereabouts.

An additional issue was that in cases where the study participants managed to get to the embassy, the services offered were limited. On the one hand, they allowed human trafficking victims to remain on their premises and took measures to guarantee their well-being in terms of providing food, clothes and in one case even counseling. On the other hand, they did very little in terms of encouraging human trafficking victims to seek legal counsel or file reports with police. They also only appeared to pay for return flights when hard pressed about the issue. More often,



the interviewees had to pay for their repatriation and needed to rely on an organization to help them return when they could not afford this.

A rather unexpected results was the involvement of a recruitment agency in the case of participant P10:

At this house, this woman was always yelling at me and I felt that I just couldn't work anymore...I had asked the office that had taken us if I was to come across problems, what should I do. They had given me a number which belonged to their office there. The people at the office know where they had taken all the girls so I called and explained that I was having problems and they came for me. When I saw that the person from the office was leaving, I followed her. That person said it was okay and that they would talk to me. When I got to the office, I told them I wanted to go back home to Kenya. So they tried cajoling me, saying they will get me another job somewhere else but I refused. [...] The people at the office are the ones who organized for me to come back.

### **Phase 3: Post-trafficking phase**

In the third and last phase of the interviews, participants were prompted to disclose how the human trafficking had affected them after they had left their destination countries. Topics of interest included the health implications of the abuse suffered, the support that was offered to the interviewee and the aid that the participant had sought by her own initiative, as well as events that may constitute a risk of being trafficked again.

**Health implications of trafficking.** A number of victims reported being severely affected by their trafficking experiences, although the problems encountered differed from one victim to another, which can likely be attributed to the forms of abuse they encountered in their destination country. Not having the necessary medical qualification to diagnose illnesses, the below table will only describe symptoms in the way they were described to the interviewer by the victim.

	<b>Table T15 – Health implications of human trafficking</b>		
	<b>Physical symptoms</b>	<b>Mental symptoms</b>	<b>Treatment</b>
<b>P1</b>	High blood pressure	Felt “like going crazy”	Counseling in Kenya
<b>P2</b>	Bad physical condition (unspecified)	Feeling stressed and depressed, suicidal thoughts	For physical symptoms in Kenya
<b>P3</b>	Bad physical condition (unspecified)	None specified	For physical symptoms in Kenya
<b>P4</b>	Hematoma through heavy lifting and stress on tissue through prolonged butchering	Trust issues, paranoid episodes, lack of focus	For physical symptoms abroad, Counseling in Kenya
<b>P5</b>	Ongoing pain in left leg, left hand, face and chest from stopping fall	Self-isolation, flashbacks, feeling depressed	Received treatment for physical symptoms in Kenya and abroad Counseling abroad
<b>P6</b>	None specified	Episodes of anxiety due to having been locked away into isolation for 8 days by an agent abroad	Counseling in Kenya
<b>P7</b>	None specified	Regret and self-blame for going abroad	None specified
<b>P8</b>	None specified	None specified	N/A
<b>P9</b>	HIV (diagnosed) related symptoms, rape injuries and side effects from medication. Involved strong period cramps and eyesight issues.	Trust issues	Received treatment for physical symptoms in Kenya
<b>P10</b>	None specified	None specified	N/A

Only 2 victims, P8 and P10, reported not having been affected by lasting negative effects on their health following their trafficking. Overall 6 victims reported physical health issues and 7 victims reported mental health issues. Only 3 of those 7 affected by mental health issues that they had received counseling, whereas 5 out of 6 participants strived and managed to secure treatment of their physical symptoms. Treatment largely occurred within the country of origin

Kenya, although 2 victims also were attended to in their host countries. One participant, P2, reported that she would have wanted to seek treatment in her destination country already, but ultimately did not see any possibility:

[..] I used to preserve with the sickness because I still had to work. Even if you try to tell them, no one listens. My health was affected very much while I was there. And then, I was so stressed, I even felt as if I had pressure. I had no joy, I didn't even know what joy was or even laughing or that life was good.

Her account was mirrored by the statement of another interviewee (P4), who only received treatment upon reaching her absolute physical limits:

The only help I got once was when I got sick and I was taken to hospital after a long time...after I had suffered and could not work well. That's when they decided to take me to hospital. I had pains and I thought it was due to lifting heavy things. I had things that were called hematoma and they were very painful and when I talked about them, they did not help me. But it was just after sometime they decided to take me to hospital.

As can be seen in the example of victim 9, in the event of rape or sexual abuse the physical damage done can also include chronic diseases such as HIV/AIDS. The mental health issues that victims reported could possibly turn into a chronic condition when left untreated, too. However, without these victims being given a diagnosis by a medical professional, it remains difficult to judge what the outcome of having these complaints may possibly be.

**Victim support.** This section concerns itself with the resilience building of the victims following the crime. The aim of this section was to clarify what steps victims take in order to receive support, and if support is given to them proactively by others following their return to their place of origin.

***The victim's social environment.*** In a first step it was clarified if victims sought assistance from persons close to them, and which reactions they faced from persons they confided in when doing so. Furthermore, reasons for not seeking help were addressed with the interviewees as well. The result is that 8 out of 10 interviewees approached persons in their social environment about support, however, reactions to victims reaching out differed strongly from one situation to another.

	<b>Table T16 – Support from social environment</b>		
	<b>Supportive reaction</b>	<b>Dismissive reaction</b>	<b>Financial support</b>
<b>P1</b>	None reported	Her account of the things she experienced did not result in any reaction from the persons she told.	Not needed - got paid a wage.
<b>P2</b>	N/A	N/A	N/A
<b>P3</b>	Neighbors, friends and family prayed for her and showed happy that things did not turn out worse.	None reported	Did not receive any
<b>P4</b>	Father, who was the only person she confided in sympathized with her.	None reported	Did not receive any
<b>P5</b>	None reported	Friend and family were upset about what she told them and made it clear that they did not like to listen to sad stories	Did not receive any
<b>P6</b>	She only told close friends, they showed sympathetic and pledged not to let anybody else get into the same situation.	None reported	Did not receive any
<b>P7</b>	None reported	Her sister initially showed herself shocked, but put it down to a ‘part of life’ experience.	Did not receive any
<b>P8</b>	N/A	N/A	N/A
<b>P9</b>	Some persons she told about what happened showed sympathetic	Her sister kicked her out when she learned about her HIV status	Did not receive any
<b>P10</b>	Friends supported her emotionally	None	Did not receive any

The results show that at a ratio of 5 to 4, reactions turned out to be almost equally positive or negative. Only 1 interviewee (P9) received both negative and positive feedback; in her case, however, the implications were particularly severe: “When I came, I didn't receive any help. Someone like my sister, I didn't think that she would chase me out of her house because I was sick because she thought I would infect her”.

Negative reactions to victims seeking help were likely not deliberately dismissive, but in one case showed a marginalization of the issue (P7), and possibly had a purpose of self-protection in the other (P5). The cases of P4 and P6 furthermore show that victims can be selective about the group of people they inform of what happened to them, and that they may

keep the level of information at a minimum. Interviewee P4 explained her course of action in the following manner:

When I came home, it was only my father who knew that it was not well with me. Everybody could see me but they didn't know what was inside me. I was only a bit open with my father and he could see it was not well with me, the way I went is not the same way I came back here. I was thin, I was not looking good and he could sympathize with me. I told him it's okay...you know now, my father is an old man and I didn't want to scare him. I had to be strong and no one could hold me.

Participant P8, on the other hand, had a completely different reason when she decided to completely refrain from involving other persons about the situation she encountered abroad:

It was embarrassing. You had gone abroad to look for work and then you come and announce to everyone about what you went through? That was hard, even your friends. All you can tell them is not to go because it's a bad place. If that person insists, it's still hard and painful to tell someone about what you went through. So, you just tell them not to go because it's not a good place.

***State institutional support.*** In this section the question of resilience building is extended to law enforcement and other state services in order to explore whether victims sought redress from or penalization of persons involved in their trafficking. The results are very clear in this regard, with only one participant (P2) reporting that she had attempted to receive assistance from Kenyan law enforcement. The initiative to do so came from staff at the state hospital she was treated at. Since she still had documentation about the process in the form of the contract she had signed, she felt confident about approaching police. Law enforcement officers informed her that provisions stipulated in the contract were illegal under Kenyan law and that her case may qualify to press human trafficking charges against agency members. However, the search for the PoFC in her case quickly ran into problems:

Even that office in town, I tried taking a police woman to see, we found that they had moved. That woman, I knew where she lived but her mother said she didn't know where she went and it just stayed there.

Even though the victim stayed persistent about wanting to press charges, the willingness of police to continue the investigation quickly diminished, and suddenly she was even told that she did not have a case.

[..] I just saw that it had gotten to the end and there is no one to report. At the police station, I was told that I had agreed to go and work there. I was told that even if I followed up, there was no way I could be helped and to just go on with my life.

Participant P3 issued that she did not consider to approach law enforcement because she believed to not have a case against the trafficker due to migrating willingly. Although this is not the case from a legal point of view, the account of interviewee P2 seems to confirm that that police may well argue this way when being contacted by a victim. Victims P6 and P9 criticized Kenyan law enforcement in more general terms, labeling them inaccessible and uncooperative. Interviewee P7 did not know how to start proceeds and where to turn to, while P5 and P10 just wanted to leave things behind them. Respondent P1 was not in possession of her contract and thus felt she did not have the required documentation. As was the case with her social environment, victim P8 felt embarrassed about what had happened to her and thus did not want to follow up. Lastly, participant P4 claimed that she learned from TV programs that other victims before her had been denied their status as a trafficking victim and been blamed for using wrong procedures for finding work abroad. Consequently, she did not want to take the chance of emotionally hurting herself further.

**Repeat trafficking risks:** Within this section, the goal is to examine the risk of a repeat victimization among female Kenyan human trafficking victims, but also to clarify if the victims themselves may pose a risk for others to get trafficked.

Coincidentally, the sample featured one participant (P6) who already fell victim to repeat victimization. The cause of her re-trafficking was that even though she had been paid by her employer during her first instance of trafficking, the wages she earned were so little that upon returning home she immediately saw herself forced to take up a new job opportunity.

While the first time an agent had approached her, the second time she went to look for an agency by herself only to find herself recruited into a second trafficking situation. It did not stop there, however. Having had enough, following the end of her second trafficking, she demanded redress from the agency that had sent her abroad. The agency countered that if she wanted money she could find new girls for them to recruit. A second interviewee (P1) reported a similar incident:

They just told me that when I come back to Kenya, If I could find other girls and take them to work. It's like you swear an oath because even when you come back, you don't

tell anyone what you went through. When someone asks you, you just tell them to go see for themselves. If you come back and see your friend wants to go, you can't even tell them not to go, you just tell them to go and that there are jobs there.

The remainder of the respondents did report to have been approached for the purpose of recruiting other persons. However, all in all, 5 of the other 8 victims of trafficking reported that they had been approached again about job opportunities abroad, although all of them eventually declined to follow up. In two of these cases, the persons who had addressed the interviewee about migrating were a friend and a family member, who in the process decided to go abroad by themselves.

### **Analysis**

This section will serve to analyze how the factors explored throughout the three phases of trafficking translate into vulnerabilities in the context of the crime. All primary data will furthermore be qualified through the use of secondary resources. Lastly, the analysis will supplement data on underlying issues that could not be explored through the interviews with the study participant, such as data relating to legal and political issues.

#### **Awareness and its effect on resilience**

An important aspect in relation to vulnerability in the context of human trafficking, is the question whether awareness of the issue could prevent vulnerable persons from falling victim to the crime. While there is not sufficient data to either clearly prove or disprove the effectiveness of awareness creation on resilience building, the information gathered from the interviews suggest that awareness amongst potential victims will in a number of cases not suffice to prevent the trafficking of persons. Only 3 out of 10 participants interviewed for the purpose of this study were completely unaware of the practice of human trafficking. While knowledge was mostly not very comprehensive, there was at least a sense of looming danger, or what the participants themselves referred to as the “mistreatment of girls” abroad. Being unaware of trafficking could thus not be established to constitute a major reason for vulnerability within the sample.

That being said, awareness creation need not be a futile exercise in and of itself. This is according to a report by HAART Kenya, an organization that offers workshops targeting populations that are deemed to be particularly vulnerable, which includes above all rural and slum communities in Kenya. The 2015 workshop performance evaluation concluded that although the workshop participants did not record every detail of the awareness creation campaigns, and even though they continued to have some misconceptions, most attendants afterwards exhibited a detailed and overall proficient level of knowledge of human trafficking. In addition, attendees were able to memorize the given information over the course of 6 months. Participants were also reported to disseminate the acquired information amongst persons in their social environments, thereby reportedly contributing to persons backing off from situations that presented potential human trafficking situations (Alexander, 2015, pp. 11-16).



Nevertheless, the scientific consensus around human trafficking today appears to be that awareness campaigns will only yield lasting results if the dissemination of information on the existence and nature of human trafficking is coupled with economic empowerment (e.g. through investment funds and entrepreneurship training) and by giving of feasible advice to potential victims on how to set an alternative course of action, for instance, by stepping away from situations that may turn out harmful when in doubt (Kangaspunta, Clark, Dixon, & Dottridge, 2008, p. 8). In the absence of economic alternatives, and in the face of immediate threats to their quality of life, many potential victims will take chances, regardless of any knowledge they may have about the possible negative repercussions. This was most explicitly reflected in the statement of one of the interviewees of this study, who said: “I knew it was happening. But I just wanted to try my luck.”

Another challenge with regards to awareness creation is how knowledge is disseminated. The data shows that information on human trafficking reached some, but by far not all victims ahead of their trafficking. Mass media had a high penetration rate, with 4 out of 5 interviewees who had regular access to media sources stating that they had consumed content featuring human trafficking related information. However, one issue with mass media is that it may fail to target economically disadvantaged population groups, because they normally find themselves unable to afford receiving units or subscriptions to broadcast services. This is reflected in the data, which showed that half of the participants did not have access to mass media, including cheaper printed media. Nevertheless, information may also be passed on from media consumers to non-consumers in a certain number of cases, as was the case with one interviewee in the sample.

Strong room for improvement exists in the area of targeted information campaigns. In the case of international human trafficking, obvious target locations consist in terminals and vehicles used for long-distance traffic operations. In this context, interviewees were asked if they had received information in any of these locations, especially on airplanes, which constituted the only means of travel used by affected trafficking victims in this sample. However, none of the participants answered in the affirmative. Travel operators such as Kenya Airways, which was an airline reportedly used for travel in a number of cases, thus seem to be oblivious of the issue or may simply not feel responsible for informing travelers. However, this lack of sense of responsibility comes despite the long-known status of Kenya as a trafficking source country, especially to Middle East and North Africa (MENA) nation states. The United Nations Office on

Drugs and Crime (UNDOC) urges airlines to hand out information pamphlets and to show short videos and documentaries via on-board entertainment systems (Ratcliffe, 2017).

The data collected from interviews furthermore shows that trained airport and airline personnel may well be able to identify vulnerable persons, given that the recruitment agencies operating in Kenya appear to remain all but invisible in their endeavor to ship victims out of the country. Most interviewees reported being taken to the airport by an agent as part of a larger same-sex travel group. What is more, the agents were said to accompany the victims into the publicly accessible areas of the airports in order to have them sign contracts, and to hand out their passports to them. After that, they were said to leave the travelers to themselves and depart from the airport. Since there appears to be no lack of cues when it comes to identifying potential victims, creating awareness around human trafficking should definitely not be limited to those susceptible to it, but should include all those who frequently encounter potential victims in their professional space. In addition, immigration and airport security may also be able to identify vulnerable returnees. Many participants in the sample mentioned that they returned without a passport, or with an emergency passport, which makes them identifiable. Awareness creation can, in this context, also include aftercare services, which direct the vulnerable person towards appropriate health, redress and counseling services. There are already signs that this topic will be given more attention in the future, as airport authorities and UNODC carried out a first training workshop for police, customs, immigration and Kenya Airport Authority personnel at Kenyatta Airport in January 2016 (United Nations Office on Drugs and Crime, 2016).

### **Vulnerability through socio-economic factors**

The data shows that monetary factors appear to play a major part in causing vulnerability to human trafficking. Other motivations for migration, such as interest in learning a new language, getting to know a different culture and environment, visiting friends or relatives in the destination area, or professional and personal advancement, did not seem to play a part in the considerations of the migrants. This section will consequently only analyze the socio-economic capacities and challenges of the participants and give an impression of what factors could be deemed most relevant in the context of vulnerability to human trafficking.

**Income and profession.** One of the predominant reasons to migrate was a household income that was considered by the interviewee to be too low, too insecure, or both, for the

purpose of covering the basic needs of their household. For the purpose of this research, these basic needs were defined to include at least sufficient living space, accommodation in a (perceptively) safe neighborhood, electricity, running water, education and healthcare. Even though participants were only asked about how content they were with their incomes, three of them also revealed their income level in the process, and this gives a first impression in terms of the socio-economic differences between the human trafficking survivors in the sample.

The lowest monthly income recorded was 4.000 Kenyan Shillings (KSH), while the highest was more than six times that amount at 25.000 KSH. This is in contrast to a monthly gross national income (GNI) per capita of slightly more than 10.500 KSH in 2015, according to World Bank data (Business Daily Africa, 2015). Unfortunately, recent socio-economic data is hard to get by in Kenya, but according to 2006 data, a problem for Kenya overall, is presented by the huge income disparities, which show in a heavily increasing gap in purchasing power between the top and bottom deciles during a period starting in 1997 and ending 2006 (World Bank, 2008, p. 21). At the same time, taking this into account, the participants who revealed their income did not find themselves at the bottom of the income ladder according to this data. Even the lowest mentioned monthly income of 4.000 KSH presented a lower middle tier amount according to the latest available statistics from 2006, although inflation must of course be accounted for today. In the light of this, while none of the participants can be considered affluent, they also cannot necessarily be considered the poorest from a mere comparative income point of view.

At any rate, vulnerability was certainly not just derived from a low personal income, but also from the fact that the interviewee frequently presented the only income earner of her household, which turned possible income volatility and insecurity into a problem. Household income was usually earned from casual labor, such as cleaning and cooking, which brought with it exactly this issue for a number of participants. On top of that, formal sector jobs maybe provide more security in terms of income volatility, but even then they are not necessarily secure. Layoffs can occur at very short notice, and although severance pay is common in such cases, it does not usually suffice to go unemployed for extended periods of time. Therefore, even middle-income earners can be vulnerable in the context of human trafficking if there are factors barring them from immediately returning into the formal job market, such as overall low qualification, which was the case for one of the interviewees.

**Education and professional perspective.** Lack of education formed a perceived major stumbling block to finding adequate work in the Kenyan labor market for most interviewees. Only two participants were known to even have completed high school level education and merely one had obtained additional professional education in office IT. Most of the participants noted that they had applied for formal sector jobs despite the odds, but only two respondents eventually managed to hold a temporary position in the formal labor market during the time before their migration. The positions offered to the interviewees (mostly domestic work) through the agencies, on the other hand, did not require them to acquire additional skills. In addition, these job offers suggested to provide adequate monthly salaries in the medium term (participants mentioned contracts that lasted two years), as well as a near-term starting date.

In the Kenyan job market, on the other hand, the policy is and has been to favor creation of a high quantity of jobs over quality of jobs (Omolo, 2010, p. 26). This is due to the equally fast-growing labor force that needs to be employed. As an effect of this development, since the beginning of the 1990s, the share of formal sector employment has collapsed from around 75 percent to just under 20 percent in 2008. Mind that this does not mean that the absolute number of formal employment sank; indeed, it still recorded moderate growth during most years (Omolo, 2010, pp. 19-21).

The Kenyan government's labor market policy furthermore followed liberalization developments in the global economy, which enforce wage competitiveness for national industries. This led to the abolishment of existing wage guidelines, although a minimum wage system remains in place (Omolo, 2010, p. 11). Since the creation of the National Employment Bureau, the Kenyan state also engages as a job broker, matching potential employees with registered vacancies. However, the new institution was hardly accepted. Employers had to be persuaded to make use of the institution's services, but in the absence of a real mandate to enforce job registration, the overall impact of the NEB on the growth of the job market remains feeble (Omolo, 2010, p. 17). In fact, the NEBs profile remains so weak that within the sample of interviewees nobody had ever heard of it.

**Lack of support and overburdening.** As mentioned above, the interviewees frequently presented the only income earner in their household. This burden was then for many respondents coupled with the obligation to support a sometimes smaller, sometimes higher amount of non-income generating persons both inside and outside their households. At the same time, even

though they were legally entitled to financial aid, for instance, through child maintenance, almost no interviewee reported that her household was financially sustained from an outside source. Moreover, few study participants knew of institutions that could have advanced their livelihoods through direct or indirect support, and almost no interviewee reported membership in insurances, trade unions or government labor programs. The most common form of institutional membership consisted in access to a chama. As outlined in the results section of this paper, membership in a chama can be quite exclusive, and can therefore be testimony to differences in terms of strength of social networks and of financial credibility in between individual respondents. With 50 percent of the sample having access to credit through a chama, bank or employer, the sample scored above the national average of 30 percent (World Bank, 2008). Debt collected before migrating could however also present a source of vulnerability, when the debtor did not observe the interest due. Furthermore, only one participant reported taking out a loan to finance her migration, which indicates that this did not present a major source of vulnerability in the sample. This is of course easily explained by the fact that within the sample, the recruitment agencies covered most or all costs of travel, thereby making it unnecessary to take out loans in the first place.

**Quality of life.** The analysis of the participants' standard of living deepened the impression that victims of trafficking in persons can exhibit complex and distinct socio-economic profiles. This was determined by looking at access to services and subjectively good living standards as a way of determining purchasing power. The socio-economic profiles of the participants demonstrated that in some cases, the taking up the job opportunity constituted an attempt to improve quality of live, whereas in others, participants sought to protect an already established level of standard of living. In carving out these differences, the author looked at the participants' basic habitational standards, which include sufficient living space, running water, electricity and neighborhood safety. Household members' access to education and health care was also determined in order to establish quality of life ahead of the interviewee's migration.

One commonality between all households was that none of them had sufficient access to all these resources. Simultaneously, only one interviewee (P10) reported that her household lacked sufficient access to each and every of the above-mentioned services. The highest levels of access cross-household was determined to exist in the areas of education (8 out of 10) and health care (7 out of 10).

This does not come as a complete surprise. In terms of attendance fees, primary school education in Kenya is free since 2003, which strongly increased access for a large share of low-income families. Fees for secondary school, although not abolished, have since also declined thanks to government funding (Bold, Kimenyi, Mwabu, & Sandefur, 2011, pp. 2, 14). While this is of course an encouraging development, some participants still were not able to afford education for dependent household and family members. This is because even though educational barriers have been lowered, certain secondary fees, for instance, for school uniforms and activities still effectively price a number of children out of school. A 2009 study conducted in Kenya found in this context, that free school uniforms reduced “school absenteeism by 44 percent for the average student, and 62 percent for students who did not previously own a uniform” (Evans, Kremer, & Ngatia, 2009, p. 1). The reason why dependent household members’ lack of access to education can become a vulnerability to the household income earners lies in its high prioritization. Most study participants put high emphasis on dependent household and family members acquiring a sufficient level of education so that they would not suffer the same economic hardships. Even though this was not explicitly mentioned, in the absence of strong social protection systems, many adults may also hope that the persons whose education they sustain and sponsor will eventually pay back when they are older (Kenya Ministry of Labour, 2014, pp. 9-10).

Expenses for health care, on the other hand, did not appear to form a major concern for most interviewees, save for one who had to care for her terminally ill mother. This is despite the fact that only one interviewee reported having health insurance coverage. One reason why health care expenses are unlikely to contribute to socio-economic vulnerability in the context of human trafficking can likely be seen in the political management of health care in Kenya. Public sector coverage of the health care market in terms of the number of facilities is extensive in comparison to private sector offerings, and is supplemented by faith based organizations’ (FBO) involvement in health care. Thus, even though only 25 percent of Kenyans have health insurance, substantial tax subsidies and faith-based health care services frequently aid in softening the blow for those who settle health care expenses through out-of-pocket payments (Netherlands Enterprise Agency, 2016).

Access to electricity was already a bit lower with only around half (6 out of 10) participants recording access, and running water was merely available in the minority of cases (3

out of 10), which was however found to be in line with average access in urban areas of Kenya (World Bank, 2008, pp. 33, 37; Society for International Development, 2017, p. 12). A major issue with regards to utilities is that those who do not have legal and regular access to them often suffer from price volatility, which may increase their overall expenses and thus impact their quality of life. Especially in the slum areas of Nairobi, many people only get access to electricity through illegal wirings. Persons who do not have access to running water in their houses have to buy prefilled water containers, or go to pumping stations, which are sometimes closer, sometimes farther away from their homes. Beyond that, with 4 persons perceiving their neighborhood as safe, and 6 perceiving it as unsafe there seemed to be no clear-cut connection between vulnerability to human trafficking and regular exposure to other crimes as far as the sample is concerned. Lastly, lack of access to utilities and safe living was strongly linked to residing in a slum area.

### **Biology, identity and susceptibility to human trafficking**

Biological factors such as age and sex, as well as identity related aspects such as gender, race and possibly faith were also deemed to have a profound impact on vulnerability to trafficking, due to historic and contemporary systems of discrimination.

**Sex and age.** Sex and age are important factors especially in relation to sexually motivated forms of human trafficking. As already stated in the theoretical part of this paper, the statistical evidence is quite clear in this regard, meaning that there is a strong overrepresentation of women among the human trafficking victims affected by sexual forms of forced labor (98 percent versus 2 percent men). As the sexual orientation of end users of sexual services is a key component in relation to sexual abuse, the victims' sex, not their gender identity constitutes the primary factor of vulnerability with regards to commercial sexual abuse. Most demand for prostitution is driven by heterosexual biological males seeking sexual contact with (mostly young) biological females. Buyers of sexual services often seek out the economically and socially most vulnerable of women, in order to freely exert power and fulfil fantasies of dominance over them. In prostitution and other commercial sexual services, women's bodies are at the complete disposal of the male user and serve to enrich their pimps. Criminal businesses frequently dominate the trade in commercial sexual activity, and in addition to legal and semi-legal offerings, also supply the market with illegal services including underage boys and girls

(O'Connor & Healy, 2006, pp. 10-12; Shively, Kliorys, Wheeler, & Hunt, 2012, pp. 6-8). Sexual abuse, however, does not only occur in forced prostitution and related forms of sex trafficking, but also as an opportunistic act against women in relation to non-sexual forms of human trafficking. The sexual abuse of domestic workers who find themselves in a situation of servitude vis-à-vis their employers is well documented (Americans for Democracy and Human Rights in Bahrain, 2014, pp. 30-31, 45-46). The collected data has furthermore yielded in this regard that participants who fell victim to sexual assault and attempted sexual assault were attacked by male cohabitants (normally the sons) of a female employer. Save for the case of one forced prostitution victim, the acts of completed and attempted sexual assault thus presented opportunistic attacks, which somewhat explains why the older (women between 31 and 37), and not the younger participants were more likely to suffer from this form of abuse. An additional, appalling factor of vulnerability is that in Middle Eastern countries like Saudi-Arabia and Qatar, women cannot report their assailants to police, because in doing so they would incriminate themselves for “illegal seclusion with a man” or “illicit relations”, which in each country describes sexual relations outside marriage (Americans for Democracy and Human Rights in Bahrain, 2014, pp. 31, 46).

**Gender.** Gender, too, plays a very influential part in human trafficking, even long before the actual commencement of the act through the recruitment process. In Kenya, girls, especially in rural areas, are still routinely deprived of primary, and above all secondary and tertiary education, thereby severely limiting their chances of finding employment in the formal labor market later in life. Many families still enforce traditional gender norms that see young girls getting married off early, for instance, in order to cash in on dowries for them. The money that families can earn or save from early female child marriage and from female child labor is then often reinvested into the education of the male children of the family. Within marriage, women are frequently subjected to early and unplanned pregnancy, as well as domestic violence from their husbands, either verbal, physical (including sexual) or both. Women and girls may thus feel compelled to migrate in order to flee violence at home. Also, if domestic violence eventually leads to divorce, or if the husband dies prematurely, loss of income may force them into pursuing micro trade or low skilled labor to sustain themselves and their children (UNICEF, 2014, pp. 21-28; Schulze & Wasike, 2017, p. 8; Suda, 2002, pp. 306-309). Precisely these reasons also played a part amongst the study participants. In addition, as is also exemplified by the sample, Kenyan



women often sustain elderly, abandoned and orphaned family members. Consequently, as they take on many challenges, but receive little help, households headed by single women are particularly vulnerable to human trafficking from a socio-economic point of view.

Rigid gender roles can furthermore be considered the reason why female Kenyan migrants are recruited into abusive jobs. In many parts of the world, women are even today still considered “homemakers”. This means that household chores and supervision of highly dependent family members are exclusively imposed on them. Even the formal “jobs held by women are viewed as extensions of their traditional roles” (Suda, 2002, p. 311), and mostly include low-paying occupations such as teaching, domestic work and nursing. Consequently, as the sample of interviewees has shown, women are in some contexts also expected to take on these jobs naturally and without formal training. Migrating to their destination countries, two participants soon found themselves caring for an elderly person and a mentally disabled child. Being chained to a role of domestic caretaker in Kenya furthermore prevents women from acquiring new skills. Even if there are monetary resources to pursue a later education, time constraints mean that women are forced to stay close to their homes to keep up with their work and social obligations (Creighton & Yieke, 2006, p. 66). This also seemed to play a part in relation to vulnerability to human trafficking in the case of at least some interviewees. As the job offers were taken to them by the recruiter, the participants did not have to take valuable time out of their days to look for formal employment opportunities that were likely not even to be had for them in Kenya.

**Race.** Racist sentiments also appear to be of grave importance in the trafficking of Kenyan migrant women. This may not so much concern the recruitment aspect, but rather the time of employment when the human trafficking victim is exploited. This emerged, for instance, from the statement of one of the household members that participant P1 worked for. The fact that she explicitly referred to the interviewee as a slave in a face-to-face interaction demonstrates that the abuse suffered by the victim stems from a deeply normalized attitude towards the enslavement of African people. Most employers exhibited such a sentiment more implicitly but they also left little doubt about the fact that they saw themselves in a position of power. As interviewee P4 recalls:

[..] I was sold from one person to another and they used this phrasing: "You are sold, what are you asking for? You cannot go. I have to get my money so that I can release

you. So, if have to release you, I'll have to send you to another person so that I get my money." I told him that these weren't my rights and taking me from one place to another...Imagine, I was from one place to another in 17 homes. They don't keep you there to rest. You are there to work, it doesn't matter, they don't add to your salary.

This statement is testimony to the sentiment guiding the actions of employers of human trafficking victims. The worker is not a person who can freely decide about her movement and whereabouts, because the exchange of money between the agency and employer do not constitute a reimbursement of the agent for organizing the workers migration from Kenya. Instead, the exchange of money presents to the employer an acquisition and right of possession of the worker's body. This commodification and appropriation of the worker also means that the employer retains the right to sell off the worker at will in order to recover the transacted investment, if he or she turns out not to have any more personal use for the worker's body. The body of the African migrant worker is furthermore characterized and perceived as inferior and repulsive by the employers. In the sample, this racial prejudice showed in different practices, including the banning of the domestic worker from the use of furniture, the strict separation of dishes and clothing used by either party, and in the supervision of the migrant during her hygienic routine. Objectification, condescension and dehumanization serve to justify abusive behavior towards the domestic worker and appear to become ingrained in many persons from an early age:

[..] they used to tell their children, this one is mad. Sometimes they would call you a dog. You know calling someone a dog here in Kenya is a big deal. And then I would tell them "Oh please, I can hear everything don't talk like that", and they don't talk for some time, but the children hear the adults talking bad about you and you are the person who is supposed to take care of these children. So they show a bad picture and the children come to hate you, though the children would love you very much. In the real sense children would love you and would see an interesting person. But the adults already have put them in that situation of not loving people who are a bit different from them.

Overall, half of the study participants reported similar forms of abuse and discrimination in connection with racist prejudice. Lastly, situations like the above do not only occur inside the employers' households, but were mirrored by the general populations in the destination countries of the migrants. Observed behaviors included more lightly skinned persons sitting away from the

migrant worker in public places, skipping ahead of the interviewee while queuing and being closely observed and suspected of stealing on market places.

**Faith.** Religious proselytism describes the coercive conversion of an individual to another religion (Bickley, 2015, p. 9). Three of the interviewees who reported being racially discriminated against, said that they were affected by this practice. In one case this went as far as the employer offering the worker money in order to convert to Islam. Unfortunately, this topic is still vastly underexplored in academia as of today. Forced conversions are reportedly frequently carried out in connection with forced marriages of Christians to Muslims in Pakistan and Egypt (Ghlay & Clark, 2009, pp. 1-2; Movement for Solidarity and Peace, 2014, pp. 2-3), but the reports dealing with this issue could not come up with a clear explanation with regards to the motivations of the offenders. Muslim men, other than Muslim women, are permitted to marry persons of other beliefs, and the conversion therefore seems redundant for the purpose of gaining control over the victim through marriage (Ghlay & Clark, 2009, p. 12). Forced or coerced conversion appears even more confusing in the context of forced labor related forms of human trafficking. After all, although the conversion would have resulted from a coercive situation, it would have still presented an inclusive act, because the trafficking victim would have joined the employer's religious community. This would, however, be a complete contradiction of the previous isolation and abuse of the victim based on her racial otherness. One explanation may be that employers gain social recognition and status, because conversion is seen as a service to the Islamic religious community. Even though coercive conversion is strongly discouraged in Islam, the modalities accompanying a conversion are hardly ever questioned (Movement for Solidarity and Peace, 2014, p. 14). Beyond that, it however also seems plausible that the conversion presents an extension of racial hatred and an expression of a patronizing sense of superiority. While biological factors that are seen as inferior in the worker, such as hair texture and skin color, are widely unalterable, the "wrong" religion can be changed to the "true" faith in almost an instant. Abusive employers may thus even see it as an act of kindness to enhance the worker's value within his or her own societal context.

### **The role of the person of first contact (PoFC) in recruitment**

The term person of first contact (PoFC) is used in the context of this paper, because it cannot be established in each and every case and beyond reasonable doubt whether the person

who first contacted the victim can be characterized as a recruiter. For the purpose of this research, a person is only defined as a recruiter, if he or she exhibited behavior that suggests that an economic or other gainful interest formed the basis of their involvement in the recruitment process. With the data at hand, which is based on observations by the interviewee, it is not always possible to proof a recruitment role. However, it is possible to define a confidence level based on evidence for each and every case represented in this study. The level of confidence for determining a recruitment role is higher where the PoFC shows substantive involvement, for instance, by guiding the victim and other persons through the application and travel process or by using common means of recruitment in human trafficking, such as deceit and coercion.

<b>Table T15 – Level of confidence about recruitment role of PoFC</b>			
<b>Level of confidence</b>	<b>Case</b>	<b>Reasons for</b>	<b>Reasons against</b>
<b>High confidence</b>	P1	Did not have any contact for two years before offering her the job	Low level of involvement in overall recruitment process
		Participant is convinced of her affiliation with the agency	
		Appeared much invested in the interviewee taking the job.	
	P2	Appeared to profile the participant's family	
		Was detained by immigration officers on suspicion of trafficking	
		Involved in recruitment and document procurement process	
		Participant is very convinced of her affiliation with the agency	
		Appeared much invested in the interviewee taking the job	
	P9	Substantial insight into interviewee's financial situation through her profession	
		Participant is very convinced of her affiliation with the agency	
		Involved in recruitment and document procurement process	
	P8	PoFC advertised in her neighborhood for a specific agency in Nairobi and regularly took big groups of girls to their office	

		Participant is very convinced of her affiliation with the agency	
	P5	PoFC was in the destination country already	Interviewee does not believe in her affiliation with the agency due to childhood friendship
		Established contact from there via phone after a lengthy period of no contact	
		Directed the conversation towards her financial and professional situation	
		Sent her pictures of specific work places where there were supposed openings	
		Interviewee suspected she may be an agent, but then accepted the assurance from the PoFC that she was not	
		Knew of unofficial/potentially illegal backchannels for obtaining a visa in Kenya	
<b>Medium confidence</b>	P3	Seemed keen to advertise her personal migration success story	Interviewee does not believe in her affiliation with the agency due to childhood friendship
		Appeared to play down risk of migrating to the destination country	Low level of involvement in overall recruitment process
	P6	Appeared to want to lure her into a feeling of safety by telling her that his sister had gone to the same destination country	Interviewee does not believe in bad intent because PoFC sister was trafficked as well
		Knew about her difficult professional situation	Low level of involvement in overall recruitment process
	P10	PoFC seemed to advertise going abroad by pointing out the seeming migration success story of a common friend	Interviewee does not believe in their affiliation with the agency due to childhood friendship
		Knew very well about her professional and financial situation	Low level of involvement in overall recruitment process
<b>Low confidence</b>	P4		Sister was first in line to be offered job opportunities with the agency by her social environment
			Interviewee does not believe in her affiliation with the agency due to familiar bond

			Low level of involvement in overall recruitment process
			They openly talked about the danger of human trafficking, but both ended up convinced that legal/documentated migration would ensure her safety.
	P7		Interviewee does not believe in her affiliation with the agency due to childhood friendship
			PoFC was recruited by her aunt and ended up in a trafficking situation herself
			PoFC's escort to agency office was related to sorting out her own migration

While in some cases the identification of the PoFC as a recruiter appears pretty straightforward, in other instances, it can prove very tricky to evaluate whether there was a connection between an individual and an agency or criminal network, due to a lack of decisive evidence. In at least 5 cases, a recruitment role is strongly suggested because the indicators for such a role strongly outweighed those against it. Sometimes, this role furthermore becomes immediately clear from context, such as when the PoFC was a complete stranger to the interviewee before the incident. In three cases, on the other hand there were some doubts, and no clear links between the PoFC and an agency. Due to a parity in reasons for and against a recruitment role, these cases were ruled neither high nor low confidence. Lastly, in two cases, an involvement of the PoFC in the recruitment process could almost be ruled out through the context given by the participant.

What can be learned from this, is that the PoFC, who is the individual or group who makes the later trafficking victim aware of job opportunities, is not necessarily a recruiter, too. In some cases, for instance, information about job opportunities may simply travel from mouth to mouth before reaching a vulnerable person. This can be further exemplified through one of the participants in the study: as was presented in the section “motivation to take up job offer”, interviewee P4 had previously been recruited to migrate to the same destination country where she would later be exploited. She had a pleasant work experience during the first two years that she spent there, and consequently, if somebody had asked her about her experience following

that time, she would have probably encouraged them to go there as well, and likely by using the same means of recruitment. Similarly, when PoFC tells the later victim of trafficking of positive migration experiences of other people, this need not necessarily be deceit, but it could indeed just constitute a situation in which a labor migrant finds him- or herself in a good situation due to a mutually gainful relationship between employee and employer.

In 9 out of 10 cases, the PoFC was known to the victim, which indicates that the social environment of Kenyan female trafficking victims is influential in their recruitment. What has otherwise become clear from the interviews is that the role of the PoFC is quite influential, regardless of whether that person is implicated in the recruitment process. For instance, the relationship between PoFC and the interviewee also impacted how the respondents interacted with the agencies in Kenya. Due to having a relationship of trust with the PoFC, it appeared that the study participants exhibited almost the same level of confidence towards the agency staff and procedures. To expand on this issue, there never appeared to be much questioning of why the agencies advanced money for all expenses on their behalf, and interviewees also did not report or look out for credentials such as certifications and codes of conduct while residing on the premises of the agencies.

### **Involvement and culpability of recruitment agencies**

The data shows that a recruitment agency in Kenya was involved 9 out of 10 times. In the only other case, despite the absence of a physical presence in the form of an office, there still appeared to be a criminal network involved, as the interviewee was referred to a non-official site to obtain her visa when the embassy of the destination country rejected her application. In addition to these businesses in Kenya, agencies in destination countries took over to complete the recruitment process. This is known because a number of participants were first taken to offices and interim “storages”, such as mosques, in the destination country, before the actual employer came to pick them up. In other cases, the employer picked up the victim directly from the airport. This does not necessarily mean, however, that an agency in the destination country was not involved in that case, as the fact remains that somebody would have still needed to broker the victim’s services to potential employers. Consequently, there is likely an individual or group in the destination country that acts as an intermediary between the agency in Kenya and the employer in the destination country. What unfortunately cannot be established from the study

participants' account, is the level of affiliation between agencies in Kenya and agencies abroad. An important aspect with regards to culpability and feasibility of prosecution is whether these agencies are owned by the same persons, or whether the agencies in Kenya are separate feeder companies to those abroad.

Another aspect that should be looked at, is that previous research has pointed to vulnerability arising from the illegal charging of recruitment fees (Chatzis, et al., 2015, pp. 5-17). Such fees can be turned into a loan and later be inflated through interest and other (sometimes made up) costs in order to create a situation of debt bondage. Workers could furthermore take out loans expecting to be able to pay them back through the wages they are offered from recruitment offices, but eventually return home empty-handed and severely indebted. In this context, Kenya has not ratified the 1997 ILO Private Employment Agencies Convention, which in article 7, paragraph 1 prohibits the indirect or direct charging of recruitment fees to workers. However, recently introduced legislation (dubbed "The Labour Institutions (Private Employment Agencies) Regulations, 2016") capped occupational testing and administrative fees chargeable to Kenyan workers at a maximum of one month's salary. Visa fees, airfare and medical examinations may be charged, but must be disclosed in the work contract according to the regulation.

The interviews have shown in this regard that charging of fees usually did not take place. In all likelihood, the charging of fees would have actually prevented many of the interviewees from migrating, as they did not have at their disposal the monetary resources to stem such fees. A number of them also could not have afforded to pay such for costs through loans, as they were either already indebted, not credible, or had no access to creditors. The agencies, however, advanced the costs for passports, visas, medical examination and air travel entirely or in part. In one case, the agency even went as far as leaving the interviewee's household with a small allowance, so as to bridge the time between her travel and her first salary.

In doing so, these recruitment agencies took great financial risk onto themselves. What at first looks like a good deal for the worker, is indeed a major reason for concern. The advance payment of these costs means that the agencies likely do not view workers as clients, but as investments in a procurement service that need to be promptly recovered. The buyers of these services are the recruitment agencies in the destination countries and the employers who secure the services of the workers from these foreign agencies. Clearly, these clients only pay for the



service if the worker actually reaches her final destination and takes up the intended work. If the worker, however, eventually either refuses or is unable to migrate, this means a loss or complete loss of the investment to the recruitment agency.

A logical outcome of this fact is that recruitment agencies attempt to prevent the worker's withdrawal from the agreement. One interviewee (P2), who got major doubt about going through with her migration was put under pressure by her recruiter to pay back the invested costs or to otherwise respect her contract. Of course, it is not surprising that the agency or the agent who take on the cost for the worker's migration afterwards insist on the worker abiding by her contract. On the other hand, it appears of course very problematic when agencies make these investments, although they should know that the person they are contracting cannot possibly reimburse them for damages in the event of default. Legal provisions which oblige the agency to cover all costs of recruitment can consequently constitute a disservice to potential human trafficking victims, so long as law does not simultaneously predefine the conditions of default from the contract.

In addition to this single case of vulnerability through contract bondage, a number of participants furthermore reported being isolated along with other workers at unknown locations in Nairobi in the hours ahead of their flight to the destination countries. For recruiters, this probably served to avoid workers missing their flights, or getting last minute second thoughts about going through with their travel. Workers were then mostly sent to their destination countries in groups, which presumably served to reduce recruitment costs for the agency. Traveling in large groups, however, also causes more attention and could help airport security staff identify vulnerable groups. In addition, as already mentioned, a recruiter usually accompanied the workers on their way to the airport, handed out the passports and sometimes had workers sign contracts. However, in no case did the recruiter escort the migrants on their flight.

Overall, what seems to be most problematic with regards to both the agencies in Kenya and in the destination countries, is that they do not provide any aftercare services. If the agencies would ensure that the workers are treated fairly by their employers, for instance, by visiting them at their workplace in regular intervals, abusive situations could be prevented or at least be quickly resolved. The Kenyan agencies, however, were out of the picture following the migrants' boarding the plane, while the agencies in the destination countries seemed more concerned with

quickly assigning their recruits new jobs after they had fled from their previous employer. Some recruiters even clearly act with criminal intent, as is exemplified by the case of a participant (P2), whose remittances to her family were stolen when she trusted the recruiter with the transfer of her salary. Lastly, the fact that most agencies let the interviewees sign contracts suggests that they constituted registered businesses, and that in having contracts signed, they complied with the provisions of the 2007 Employment Act, which in part XI requires attestation of a foreign contract by a Kenyan labor officer, as recruitment under informal contract constitutes an offence. However, considering that there was an active ban on recruitment of domestic workers at the time (Kubania, 2016), this means that the employment agencies either mislead the Kenyan Labor Ministry about the nature of the employment, or that labor officers approve the contracts despite the ban, possibly due to corruption.

### **Resolving of vulnerability**

One pressing issue with regards to human trafficking is not just how vulnerability is acquired and how it perseveres, but also how it is eventually resolved. The accounts of the participants show that this happens in either of two ways: either through a planned, or through a circumstantial termination of the state of vulnerability. The case files, in addition, demonstrate that a circumstantial termination can be the result of a failed attempt at a planned termination.

In the event of a circumstantial termination, there was an escalation of physical or verbal abuse involved. The gravest form of such an escalation led to participant P5 being thrown off the fourth floor of a multistory building. This naturally alerted people in the vicinity, and led to her being taken to the hospital, where she was located by the Kenyan embassy and given police protection. Another case ended due to the sexual violence committed against the victim, which left her so shaken that another member of the household could not help but take notice and aid her in her escape. A serious threat of violence was existent in the case of victim P2. The employer's daughter threatened her with a pointed knife, which subsequently drove her out on the street, where she eventually met police forces.

A prime example of a planned termination is the case of participant P10. According to the interviewee, the agency responsible for her recruitment provided a contact number, and her phone had fortunately not been taken away by the employer. As the agency honored the promise of helping out in case of an emergency, the resolving of the trafficking situation consequently

turned out to be relatively simple compared to other scenarios examined for the purpose of this research. Another example involved the case of participant P1. The permission to attend church services allowed her to get in touch with potential rescuers, and to make arrangements for her flight even in the initial absence of a mobile phone for the purpose of coordination.

The possibility and the likelihood of success of a planned termination of the situation of vulnerability are thus very much connect to the level of control exerted over the victim. If a perpetrator is strongly determined to isolate the victim, options to resolve the situation of vulnerability automatically become very limited. One interviewee (P7) who was in such a situation, only managed to escape from her employer's house by fleeing through a ventilation tunnel during a moment when she was not being observed. The research showed that participants generally used every bit of autonomy available to them in order to work towards resolving their situation. Nevertheless, the data also shows that in doing so, they take great risk onto themselves, as failed escapes can result in even crueler violence by the employer, their household and sometimes agents.

The results have shown in this regard that a number of human trafficking victims encounter one or many forms of physical or verbal abuse. Intimidation is a likely outcome of such conduct, and at least in some cases, can be expected to cause victims to refraining from taking further steps to escape a situation of exploitation. In addition, as they encountered other Kenyans abroad, some interviewees did not only experience violence and abuse through personal experience, but also through the lens of the ordeal of other trafficking victims. These stories often had more violent and even lethal outcomes and may therefore affirm the impression that escape constitutes too risky on option for many.

Maybe for this reason, a number of participants attempted to contact persons in Kenya via phone to seek help when the option to do so had remained to them. This not only triggered empathetic responses. For instance, family members blamed victims for finding themselves in a situation of exploitation or advised them to endure abuse so long as they got paid by their employer. This suggests that some persons simply may not be able to understand how severe a crime human trafficking is, and how deep an impact physical and verbal abuse can have. However, even when victims' accounts are met with empathy, available data shows that there are clear limits to what potential helpers can do in order to support the victim. A common response of persons contacted by, or on behalf of the trafficking victim, consisted in referring matters to

the embassy in charge. The embassies, though, were only able to help when they knew where their nationals were located. Typically, trafficking victims do not possess this information, or they possess wrong information about their whereabouts. Those who managed to hold on to their mobile phones, furthermore may not possess modern devices with built in GPS tracking technology.

### **Risk of successive human trafficking**

Risk of successive human trafficking can be separated into two different categories: chain recruitment and perpetual recruitment.

**Chain recruitment.** Chain recruitment, for the purpose of this research, describes the exploitation of a victim of human trafficking for the purpose of finding new recruits. Although this rather presented a sporadic scenario within the sample, two applicants reported that they had been instigated to recruit others persons, even though the agents knew about their history of abuse. The Kenyan agencies also incentivized these recruitment requests financially. Even though the affected persons in this case did not go along with the offer, there is a definitely a theoretical danger attached to knowing a trafficked person. Especially victims who return home empty-handed, and financially do not see a way out for themselves, may take up such offers. The accounts of some victims also indicated that many trafficking survivors will simply not disclose their abuse to persons who ask them about their migration experience, due to self-blame and shame. In the absence of any horror stories, this may then lull some of the persons talking to them about their time abroad into a false sense of security.

**Chain recruitment and health.** Health impacts may present an additional theoretical source of vulnerability to chain recruitment. This especially appears suggested in cases in which the trafficking victim is the only income earner. Death, and physical or mental impairment, mean that vulnerability to human trafficking may be passed on to the next older member of the household, as this person is probably deemed most capable of taking on the role of the household's income earner. Where there is no such person present, a relative outside the household could end up having to provide for non-income generating members of the victim's household, including the victim herself.

In relation to mental health, previous research has suggested that "post-trafficking psychological symptoms can be compared to the violence, restrictions and psychological

reactions identified in torture victims. [...] Common post-trauma responses include such post-traumatic stress symptoms as post-traumatic stress disorder, depression, anxiety and hostility or irritability” (Zimmerman & Borland, 2009, p. 19). Many social and emotional impacts observed in the sample, such as self-blame, trust issues, paranoia, self-isolation, lack of focus and flashbacks have been found in previous studies of human trafficking victims in Kenya and abroad (International Organization for Migration, 2008, p. 64; Welch, 2012).

The sample also included instances of severe physical injury, for instance, from heavy strain on tissue or from abrupt absorption of a fall from high altitude. Grave physical injury and chronic mental illness, which may result from episodes of abuse or overworking, could render victims of trafficking unable to work, either for a period of time or indefinitely. Severe depressive episodes, for instance, can make it almost impossible for the affected person to engage in social activities or work (Marcus, Yasamy, van Ommeren, Chisholm, & Saxena, 2012, p. 6).

A pivotal issue around human trafficking and health appears to be that victims do not receive a sufficient amount of health care, and may also receive medical assistance too late. The reason why this is problematic is exemplified in the case of interviewee P9: On the positive side of things, the participant received two days of counseling from the embassy in the destination country in order to help her cope with the emotional effects of the sexual abuse she suffered. However, had the embassy ordered a full medical examination for her, then her HIV infection, which was a result of the sexual abuse, could have maybe been prevented via post-exposure prophylaxis (PEP) at a hospital or clinic, especially if administered within 72 hours (World Health Organization, 2014, S. 17).

Although no such case was represented in the sample, female human trafficking victims who have experienced sexual abuse may, in addition to possibly contracting sexually transmittable diseases (STI), also be subject to unwanted pregnancies, which could in a few instances be prevented through emergency contraception (Zimmerman & Borland, 2009, pp. 17, 75). Finally, in the context of prevention of mental illness, all participants in the sample who had received counseling following their ordeal stressed that the counseling they received had been key in helping them leave the abuse suffered behind them.

**Perpetual recruitment.** For the purpose of this research, perpetual recruitment constitutes a situation in which the same human trafficking victim is repeatedly exposed to the

practice or at least at great risk of falling victim again. This can have different reasons. For instance, in the sample, many interviewees reported that after fleeing from their abusive employers, they met with agents in the destination countries. Those meetings occurred because the agent fulfilled the wish of the trafficking victim to leave her employer, or because police summoned the agent to clarify how the agency would deal with the situation. A recurring reaction from the agents was to attempt to convince the migrant worker to continue her contract at another employer. Of course, there is no guarantee that the next employer will act abusive towards the trafficking survivor as well, but that being said, it is at least ethically questionable to expose a person who has already suffered abuse to the mere possibility of that happening. Perpetual recruitment can also occur after a trafficking situation has already been resolved. One of the interviewees (P6) reported that despite what had happened to her the first time she migrated for work, she sought the services of another employment agency. As she came home empty-handed because her employer had not paid her, and then still found herself without professional perspective in Kenya, she decided that she had to take the risk of migrating again. Another source of vulnerability to perpetual trafficking consisted in the social environment of the trafficking survivors. Half of the participants in the sample reported that they were approached about migrating through an agency again, often by people who wanted to take the leap themselves. This also occurred despite those persons knowing the history of abuse of the victim, which once again indicates that awareness of human trafficking alone does not appear to be strong enough a deterrent. On the other hand, no interviewee reported being approached again by the same persons who had informed them about the job opportunity that led to their trafficking, and none was put under pressure to remain silent about what had happened to them. According to the interviewees' accounts, a number of recruiters in Kenya likely did not even know that they had returned home.

**The role of the victim's social environment.** As mentioned above, one participant reported falling victim to human trafficking a second time because her economic situation just did not improve. Participants furthermore reported coming home empty handed because their employers had not paid them, because they were paid too little, or because they had fled the situation after a short time and thus did not accumulate money. On top of that, personal items and valuables were stolen from some interviewees. This means that international human trafficking victims can find themselves in an even more difficult position than before their

migration. The data suggests that the victim's social environment in all likelihood mostly does not play a role in mitigating socio-economic risks related to repeat victimization. Most participants, however, also did not expect to receive economic support from their social environment, because they presumed that persons close to them were in equally dire financial situations. To make things worse, in some cases, human trafficking victims may find that after returning home, their situation deteriorates. For instance, loans taken out before the migration can accumulate huge interest, and in one case, the interviewee lost her home because her sister, who she lived with before migration, perceived the HIV infection she contracted from rape through her employer as a health risk for herself. That is not to say, however, that the social environment of the respondents only played a negative role. Some interviewees opened up to persons close to them about what had happened and received at least emotional support from them. Other participants made it clear though that they preferred not to talk to friends and relatives about what happened, because they were ashamed of what they felt was a personal failure, or because they did not want to concern them. This underlines the importance of providing counseling, in order to offer human trafficking victims the opportunity to talk to a trained and neutral entity about their experiences.

### **Lack of decisive legal and diplomatic intervention**

Next follows an evaluation of the legal and diplomatic tools that the Kenyan government deployed to curb human trafficking, especially through employment agencies. Kenyan labor migrants appear to remain insufficiently protected from human trafficking through legislation, despite the introduction of some promising tools to improve the situation.

**The Counter-Trafficking in Persons Act.** The first substantive step consisted in the introduction of national penal law under the "Counter-Trafficking in Persons Act" in 2010. This legal framework presents a very comprehensive and effective basis for the prosecution of human trafficking offenses. It defines a penal code (including perpetrators that assist in the trafficking of persons), prohibits the prosecution of victims trafficked in Kenya, regulates repatriation and enables restitution of the affected persons. In part II, article 5, paragraph c the law makes special reference to the managing, running or financing of a job recruitment agency used for the purpose of "promoting" trafficking in persons. Unfortunately, the law makes no reference as to how "promoting" should be interpreted by the courts. This may be seen as a potential loop hole

because a legal defendant could, for instance, argue that the term “promotion” suggests a willful facilitation of a recruitment process that results in the exploitation of a person. In order to provide effective protection, however, the law would have to go beyond that and punish hazardous and neglectful behavior, such as the collaboration with unreliable partner agencies abroad. It appears at least challenging though to characterize such conduct as promotion. A Kenyan recruitment agency could then simply deny responsibility by arguing that the partner agency abroad was responsible for work placement and that the exploitation of workers occurred unbeknownst to them and was outside their scope of control.

**Travel ban and recruitment stop.** In recent years, the Kenyan government has also attempted to prevent human trafficking through ad-hoc measures. A travel ban to the Gulf Cooperation Council (GCC) countries was imposed in June 2012 following reports of widespread abuse of domestic and other low-skilled workers (BBC, 2012; Mathenge, 2012), and was subsequently lifted in November 2013. This came as the ban was reportedly circumvented through bribing and issuing of alienated visa to avoid detection. Hajj visa, for instance, which are entry documents issued for the purpose of pilgrimage, were often used to get Kenyans into Saudi-Arabia under false pretense (Malit & Youha, 2016, pp. 12-13). In 2014, following a second wave of media reports of abuse of migrant workers in the Gulf states, measures were this time directed at recruitment agencies operating in Kenya. Private employment agencies were required to renew their accreditation with the Ministry of East African Countries, Labour and Social Protection under a new and stricter regulatory framework. In collaboration with stakeholders like the International Organization for Migration, recruitment agencies were furthermore required to elaborate a code of conduct that is henceforth supposed to form the basis for ethical recruitment in Kenya (International Organization for Migration, n.d.). On top of that, private employment agencies are now required to join professional associations, which in turn are tasked with ensuring that its members abide by the code of conduct elaborated (Kubania, 2016; International Organization for Migration, 2015, pp. 147-148). As an effect of this development, the Kenyan government partially lifted the recruitment ban in 2016, but recruitment of domestic workers remained prohibited until recently. Only in April 2017, the Kenyan government announced its intention to lift the recruitment ban on domestic workers, as the Ministry of Labour pledged to release a list of 20 trusted recruitment agencies that it had reportedly vetted to the end of providing safe paths of migration.



The overall effect of the 2014 recruitment ban on inhibiting the trafficking of domestic workers to the Middle East, especially the Gulf region appears doubtful in the light of the interviewee's accounts. The respondents in the sample traveled between the time of introduction in 2014 and 2016, meaning that the responsible agencies must have ignored the directive. The regulation of the employment agencies furthermore does not come without its own issues. For example, while self-regulation is better than no regulation, it appears unlikely that professional associations actually have the capacity to enforce a code of conduct, no matter how comprehensive it may be. Unlike police and Ministry officials, for instance, they cannot search premises for evidence of non-compliance. As professional associations are financed by their members, there may furthermore be a conflict of interest to report non-compliant members to the competent authorities. Whether the recent vetting of 20 recruitment agencies will provide enough protection for domestic workers remains to be seen. While this measure may prevent fraudulent or coercive recruitment of some Kenyans, it still does not address the large issue of severely punitive immigration laws in destination countries, which remain a mostly unsolved problem.

#### **The Labour Institutions Act and the Private Employment Agencies Regulations.**

Since 2007, the Kenyan government also requires recruitment agencies to register under the Labor Institutions Act. This act was supplemented by the Private Employment Agencies Regulations, which define conditions for registering and running an employment agency in Kenya. More precisely, the content of these regulation, for instance, consist in a provision that requires registered businesses do transparently disclose costs for air travel, visa fees and medical examination to recruits. Administrative fees may not exceed an employee's proposed one month salary, and costs for recruitment, documentation and placement must furthermore be charged to the prospective employer, not the worker.

The regulations, however, do not come without their own issues. According to the Private Employment Agencies Regulations, the initial registration fee for an employment agency that places Kenyan workers abroad stands at 500,000 Kenya Shillings (KSH) and requires a yearly renewal at 250,000 KSH. In addition, newly registered companies must provide guarantees in the case of default, which amount to 1,500,000 KSH. They must also hold a minimum share capital of 5,000,000 KSH in order to be eligible for registration. In comparison, the general penalty for non-compliance with the Labour Institutions Act, on which those regulations are based, such as the failure to register an employment agency in Kenya, comes at a maximum fine of just 50,000

KSH and a maximum prison sentence of 3 months, according to section 61. This clearly appears to incentivize the illegal operation of employment agencies.

**Discriminatory immigration laws in the destination countries.** Immigration laws can be a major source of vulnerability, as they may put the migrant workers at the mercy of their employers, which particularly affects domestic workers going to the Gulf countries. A major reason for concern in this context are the so-called “Kafala” systems. These are immigration laws which were established in a number of countries in the Middle East, including Lebanon and Jordan, as well as the GCC countries Saudi-Arabia, Kuwait, United Arab Emirates, Qatar, Oman and Bahrein. Under these systems, migrants are bound to a sponsor, such as an employer, an agency or other institution, who are tasked with registering them with the authorities. Only at the express written consent of his or her sponsor is a migrant allowed to immigrate and emigrate from the country or to transfer employment. In order to enforce this, sponsors take away the passports from the migrants, which in theory is not always legally sanctioned, but is in practice usually not inhibited. Furthermore, under the Kafala system, migrant workers are exempt from the national labor protection laws in the destination countries. They are not even allowed to leave their workspace without the employer’s consent, which under Kafala laws constitutes “absconding” and is seen as an offence (Migrant Forum in Asia Secretariat, n.d., p. 1). Even though most Middle Eastern nations are signatories to the Palermo Protocol and have ratified it (United Nations, n.d.), they do not act in its spirit, as Article 2(b) calls on national governments “to protect and assist the victims of [...] trafficking, with full respect for their human rights”. The problem with this provision is that it does not specify concrete measures that are to be taken by the signatories in order to fulfill this demand. An example of how this article is to be interpreted was given in the form of non-binding recommendation by the April 2009 UN Working Group on Trafficking in Persons. The working group advised governments against the punishment and prosecution of persons “for unlawful acts committed by them as a direct consequence of their situation as trafficked persons or where they were compelled to commit such unlawful acts”. The study sample has provided evidence that this is not the usual procedure for law enforcement in many of these destination countries, especially in the Gulf states. One interviewee was arrested and incarcerated, and many other times, police showed more concerned with whether a migrant worker had stolen possessions from her employer rather than finding out whether a prosecutable crime was committed against the trafficking victim. In order to reduce the vulnerability of human

trafficking victims, international law would need to establish more concrete and more binding provisions that oblige nation states to prevent the indiscriminate criminal prosecution of migrants.

**Bilateral agreements.** Despite efforts to improve the working conditions of Kenyans abroad through diplomatic channels, the brokerage of such deals is complicated by the Kenyan government's position of negotiation. The bulk of semi- and low-skilled labor migration goes to the Gulf countries, where Kenyans work above all as domestic workers, construction laborers, cleaners, hospitality servers, security officers, and taxi drivers. As far as documentation goes, the largest diasporas are to be found in the United Arab Emirates, Qatar and Saudi Arabia. Current estimates put the number of Kenyans employed in the Gulf countries at around 300,000, which enormously eases the pressure on the Kenyan domestic labor market and simultaneously provides the country with remittances, which make up around 3 percent of the country's GDP. In addition, most countries in the Gulf region are influential development partners. Assertive measures, such as the previous travel and recruitment bans, thus carry great economic risks, even though many Gulf nations also have an economic interest in preserving their access to low-skilled Kenyan labor (Malit & Youha, 2016, pp. 6-7, 20, 22). The main issue is that the GCC countries attempt to hold onto their Kafala systems, because it enables them to easily deport workers during times of economic downswing (Migrant Forum in Asia Secretariat, n.d., p. 1). In May 2017, the Kenyan government may have reached a partial breakthrough with the government of Saudi-Arabia, as the parties agreed to a deal to "protect the rights of employers and domestic workers, regulate their contractual relationship, facilitate the recruitment and employment process, and control recruitment costs in both countries", as part of a wider bilateral trade agreement that included the export of 100,000 domestic workers to the Gulf country (Al-Sulami, 2017). Qatar, the United Arab Emirates and other Middle Eastern states have yet to reach such an agreement with the Kenyan government.

### **Missing Institutional commitment to victim protection**

Even the best victim protection policies are bound to fail in the face of corruption and lack of commitment to implement operational protocols. Unfortunately, the research has produced evidence that this presents a contemporary issue in the fight against human trafficking in Kenya.

**Corruption.** Even though Kenya, as noted above, has shown willingness to improve victim protection measures, the operational weakness of Kenyan state institutions threatens to undermine any progress made on the government level. The most severe instance of failure to protect human trafficking victims emerged in the case of a participant (P2) who was about to retrieve a passport at the immigration office in Nakuru. This is how the participant described the situation:

You know I didn't have anything like a passport, she [the recruiter] told me she would get it for me. We went to Nakuru to the Immigration Office and when we got there to fill out the forms, we were arrested by immigration police. They told us that that what was happening was human trafficking and that we had to tell them who took us there because we were like 14 girls. The ones who took us had gone to hide. So, when we were arrested and put in a cell by the immigration officers at the immigration offices, we called those people who had taken us there and they came. We pointed them out to the immigration officers and they were brought to the same room and they were told that was human trafficking and were asked why they were doing it. They bribed the police and we were released. So we were not able to fill the immigration papers and they would not allow us to fill them out because that was human trafficking. We then went home but that lady still followed me. My mother and I asked her why was it that what we were told that what was happening was human trafficking and why was she telling us that the government had allowed it. She said that I had to go because they had already gotten a visa and done somethings for her and that money needs to come back. She said she has done a lot of things and unless we paid her money back that she used to pay for my birth certificate and all those things, I had to go and work. I agreed and we went the second time to the immigration office in Nakuru. I filled the forms and even though I was 50/50, I still went because she had convinced me that it was a good place but again at the immigration offices, we were being told it's human trafficking. I didn't know who I believed but I just had to go.

The immigration office in Nakuru did nothing to protect the interviewee. To the contrary: the trafficking victims were detained even though they did not commit a crime. Even if the officers had an interest in detaining the perpetrators, they had no right to enforce the cooperation of the trafficking victims. Furthermore, the way that events unfolded, it becomes immediately

clear that the immigration officers saw an opportunity to extort money from the perpetrators rather than wanting to serve justice. If the protection of the victims had played any part in the considerations of the immigration officers, the interviewee would not have been issued her passport at the same immigration office shortly after. This is therefore a prime example of how a lack of competent guardians can increase a potential victim's vulnerability.

**Refusal to render assistance.** Police, too, do not appear very committed to providing an optimal amount of support. In the only case in which a victim reported her trafficking case to law enforcement in Kenya, officers initially showed helpful, but quickly withdrew support when it became clear that a truly investigative effort was necessary to detain the perpetrator (see section "State institutional support"). As the victim was understandably discontent with this outcome, police started blaming her for her situation, by telling her that it was her decision to migrate, in order to void themselves of responsibility. Such conduct can be poisonous, because it confirms the fears and suspicions of the other interviewees in the sample, who remained inactive about pressing charges, mostly because they did not expect any support and feared being blamed by law enforcement services.

Consequently, as long as consent to migrate constitutes a consent to exploitation for police services in Kenya, victims of human trafficking will continue not to come forward. If victims do not come forward, however, perpetrators will not be prosecuted and will continue recruiting vulnerable persons into exploitative situations, thereby creating a vicious cycle. The fact that the Kenyan National Police's latest crime report still does feature data on human trafficking is testimony that the political strive to improve persecution and monitoring efforts around the crime has not yet translated into results on the ground (The Kenyan National Police Service, 2015).

Data collected from the interviewees furthermore confirms the impression of previous research that Kenyan embassies need to work on their capacities with regards to victim assistance, especially in the areas of dispute resolution, counseling referrals and post-arrival re-integration (Malit & Youha, 2016, p. 16). On top of that, according to victim reports, it appears that embassies attempt to avert paying for the safe return of human trafficking victims who reside on their premises, and only react slowly and passively to incarceration of Kenyan human trafficking victims in jails abroad, which puts the health of these persons, especially of pregnant women at even greater risk. This lack of appropriate responses appears even less

comprehensible, when taking into account that the National Assistance Trust Fund for Victims of Trafficking, which is established under the Trafficking in Persons Act, provides funding for exactly these scenarios.

**Lack of oversight.** Lastly, there is the problem that the majority of employment agencies are believed to operate illegally in Kenya. This means that they do not seek accreditation with the Ministry of East African Countries, Labour and Social Protection, and that they may often change offices in order to remain undetected by law enforcement. Illegal operation of recruitment agencies is a known, yet unresolved problem to the Kenyan government, according to a report by the International Organization for Migration (2015, p. 147). This lack of oversight suggests that, on an institutional level, there is either not enough will to improve the situation, or there are not enough law enforcement resources available to investigate the illegal operation of recruitment agencies. Registered companies, however, need to be closely monitored as well. Media reports from 2014 relating to the closure of registered private employment agencies in Kenya said that collusion between Ministry of Labour officials and the industry was to blame for the termination of their operations at the time (Malit & Youha, 2016, p. 16).

## **Conclusion**

The research provided data on a number of different factors that induce and maintain vulnerability in the context of trafficking.

### **Role of awareness creation around human trafficking**

Judging by the results gathered from the sample of study participants, lack of awareness cannot be deemed a major pre-trafficking vulnerability among female Kenyan labor migrants, as most interviewees had at least minimal knowledge of the practice. Feeling well informed can even be an additional source of vulnerability, as is exemplified by the participant in this study who believed herself safe due to following a documented migration procedure. Previous research has for the most part concluded that awareness will not stop human trafficking from occurring, although there are dissenting voices who ascribe a more effective role to awareness creation. Awareness creation may to an extent help low-income earners, who prefer not to take risks, and who simultaneously do not face an immediate threat to their livelihoods, for instance, through indebtedness or the breaking away of an important source of income. In any case, when organization and governments chose to rely on knowledge dissemination to curb human trafficking, they must make sure that their efforts reach the right persons, such as migrants at airports and single female headed households. Access to information through mass media is not a standard in Kenya, and it is thus necessary to direct efforts at locations and populations in which human trafficking occurs more frequently. Lastly, efforts must be stepped up to train those who could prevent human trafficking in their professional sphere. This mainly concerns immigration and other law enforcement officers. Lastly, directing awareness creation efforts at persons working close to victims and potential victims would furthermore yield greater success if corruption in law enforcement could be curbed.

### **Socio-economic factors relating to vulnerability**

With regards to socio-economic vulnerabilities, it was found that some participants stressed income insecurity as one of their most pressing issue, while others put more emphasis on a subjectively (and often also objectively) low amount of money that they earned. Differences in

level of income were reflected in different degrees of access to education, health care, utilities, and sufficient habitation standards. Consequently, for those who had a very low income, the perspective of earning what they considered an adequate amount formed a major motivation. For those who suffered income instability and job loss, income security and protection of their household's livelihood played an additional or bigger part. Income insecurity was in large part owed to the fact that there was only a low number of income earners within most households, and that the jobs performed mostly constituted various forms of casual labor, which do not provide a fixed income. The problem is aggravated by the fact that the interviewees' income served to sustain persons outside the household, and that no contributions were generally made to the participants' household by outside sources. Suddenly occurring events such as the death of another income providing household member put the livelihoods of a number of respondents in peril. Low levels of education barred most interviewees from accessing higher paid professional opportunities in formal sector jobs. In addition, low income and income insecurity also threatened the educational career of the participants' household and family members, and thereby their chances for social upwards mobility. The job offers that led to the trafficking of individuals taking part in the study theoretically presented an immediate solution to the above-mentioned issues in the absence of viable alternatives. The Kenyan job market meanwhile does not create enough informal sectors jobs that would allow low-skilled workers anything other than mere survival. Furthermore, the state-run job exchange program under the NEB enjoys very limited popularity, which means that there is no save, state sponsored alternative to private recruitment agencies. In the long run, the government of Kenya will eventually have to change its policies and account for income regulation even in the informal sector lest it is prepared to let the income gap between high-income earners and low-income earners grow further, which appears a certain path to the occurrence of increased international human trafficking.

### **Vulnerability to human trafficking in relation to factors of biology and identity**

Being a woman is both an absolute and a contextual risk factor in relation to vulnerability to human trafficking, which is conditioned by biological properties and rigid gender concepts. Migrant women are at risk of getting trafficked into specific human trafficking scenarios, such as forced prostitution and domestic servitude, which simply reflect gender-discriminatory attitudes in relation to sexual self-determination, and which exhibited the societal role of the caretaker that



is assigned to women from early childhood days forward. In the case of forced prostitution, vulnerability to sexual abuse arises from heterosexual male demand for women's bodies, but in relation to domestic servitude appears to rather present a byproduct, with risk primarily emanating from opportunistic offenders in the migrant woman's workspace, who understand that their victim is in a situation of vulnerability. Victims of domestic servitude can moreover not rely on solidarity from other women in the household, because they could be in denial about the possibility of a male household or family member perpetrating such acts, or because, like the male members of the household, they objectify and disdain the Kenyan migrant woman based on racial or other aspects. Women can even be the driving force behind abuse committed against the female migrant worker and are likely very influential in the decision to hire (or in the understanding of a trafficker "buy") a domestic worker. At any rate, it would be too limiting to impose the role of the perpetrator onto a male or female member of the household, as the accounts of the participants show that in a number of cases, whole families commit abuse against the migrant worker. Adults instigate and encourage their children to verbally abuse domestic workers based on their race. They normalize the practice of slavery, as they objectify the worker, and reduce her to the role of a household resource, which can be sold off and made use of at will. Physical and verbal abuse, as well as discrimination, serve to subjugate the domestic worker. These acts have the aim of intimidating the victim, and make it less likely for her to seek help or attempt an escape. Lastly, some of employers undertake substantial efforts to convert the migrant workers to Islam. The motivation of the offenders in this case is unknown besides certain cues which are however not strong enough to be further substantiated as a fact. The vulnerability to these practices, however, starts at home in Kenya, where even in urban areas, girls are still subject to forms of discrimination, such as early marriage, early pregnancy and deprivation of education, which limit their professional skills to those acquired through domestic chores. Lack of mobility, which is caused by their social role that chains them to the house, means that women find it hard to rectify this issue later in life.

### **Vulnerability through persons of first contact**

The human trafficking victim's social environment is an immediate cause of vulnerability, regardless of the question of the PoFC's implication in the recruitment process. Even where an involvement of the PoFC can be almost ruled out, there still remains the issue that

these persons can be vulnerable to human trafficking themselves, and they may assuage another vulnerable person's fears of migrating through the personal bond that they share. Recruitment agencies in many instances did not have to carry out much actual recruitment work, because word of mouth of job opportunities traveled fast, and because such information is likely disseminated without due prejudice about the possible implications for those who are susceptible to such offers. In about half of the cases, the PoFC was strongly believed to be a recruiter with economic or other interest in the recruitment of the participant interviewed. According to the information obtained through this study, it seems appropriate to suggest that awareness creation work should put strong emphasis on the role of the social environment in recruitment, including the fact that some persons may not know that they are doing their friends and family a disservice by indiscriminately distributing information on job opportunities.

### **Assessment of role of recruitment agencies**

In relation to recruitment agencies, the main dimension of vulnerability consists in their business model. By advancing all the costs of the worker's air ticket, health test, visa and passport, they create a situation of contract bondage. In this constellation, recruits are not clients of the employment agencies, but their commodities. Those who get second thoughts about traveling are at a concrete risk of being intimidated and coerced to respect their contracts, which could potentially be followed up by legal action by the agency. Furthermore, recruitment agencies, which in the sample were often thought to be registered businesses, act in direct contravention of the Kenyan government's ban imposed on the recruitment of domestic workers. Another substantive problem consists in the fact that recruiters are out of the picture as soon as the worker is successfully sold off to an employer. In the sample, those victims who pleaded for help from their agents were normally rejected, save for one interviewee who was picked up from the employer's house in the process. Since there seems to be no legal obligation for recruiters to monitor the situation of their recruits and to ensure their safety, one vulnerability that applies exclusively to registered businesses consists in them not being accountable enough for the recruited workers' well-being abroad. According to the reports of the interviewees, recruitment agencies in the destination countries furthermore urge workers who fled their employer's house to continue their contracts, which exhibits that they only have their economic interests at heart.

### **Resolving of vulnerability**

Resolving of vulnerability occurs through either of two processes, a planned or a compelled flight. Human trafficking victims who escape from their employers as part of a planned-out process usually first engage persons in the destination countries or in Kenya to assist them in their flight. This is, for instance, because they may face certain barriers such as a lack of resources to leave the country, because they do not have their passport or because physical and logistical barriers hinder them from leaving their employers' premises. A compelled flight, on the other hand, usually occurs following an escalation of violence, which means that the victim is or was exposed to an immediate threat to her health. The resolving of vulnerability may be impossible for the victim, if she simultaneously lacks means to communicate (e.g. a phone), is physically restrained (for instance, through walls), and is socially isolated, even within the premises of the employer. Ultimately, the reason why all of the participants in the study were able to flee, is because one of these conditions was not, or not fully fulfilled. Since this may, however, not always be the case, it would be even more important to ensure that labor migrants have guardians, who can ensure the migrant worker's well-being by communicating with them in defined intervals, and who ring the alarm bell when the person is missing.

### **Repeated human trafficking risks**

Successive occurrence of human trafficking poses a risk to victims of trafficking and persons close to them. Late medical treatment of physical and psychological conditions, as well as lack of treatment could mean that victims of trafficking lose their capacity to generate income, which is problematic in the context of them often constituting the only income-earners of their household. Risk for human trafficking may consequently be passed on to another family or household member, if those persons have equally low chances of acquiring well-paid work. In addition, there is evidence from the interviews that a certain portion of recruiters may use trafficked persons to find new recruits in exchange for money. In addition, considering that many persons do not want to talk to other persons about having been abused and coming home empty-handed, this may reinforce the belief that migration has been a success for that person. Human trafficking may also repeatedly happen to the same person, if a victim gets roped into continuing her contract with a different (possibly abusive) employer, or if upon returning back, she still

finds herself in a difficult monetary condition. As many victims of trafficking do not get paid, or get paid less than agreed, they may find themselves taking chances once more. Lastly, other persons in the victim's social environment may feel compelled to migrate as well, and turn to the victim in search for a travel companion.

### **Political dimensions to vulnerability**

Vulnerability is also an effect of a lack of prosecution. If perpetrators are not at risk of getting punished for their actions, there is little reason for them to discontinue their practices. The Kenyan government has introduced legislation with regards to human trafficking that could prove to be valuable tools as soon as more cases can be identified and prosecuted. However, there also seem to be some flaws in the way that the legislation is drawn up. In relation to the Trafficking in Persons Act, the legislators must ensure that the used terminology cannot be challenged in court. This specifically concerns the term "promotion" of trafficking in relation to recruitment agencies, which seems somewhat removed from reality. Agencies have an economic interest, which consists in collecting commissions for successful recruitment. While the abuse of recruits by their employer certainly does not present a major concern for many of them, it can likely not be considered a desired outcome either. Rather, abuse and exploitation of the worker are simply a byproduct of lack of accountability and good practice on their part. Similarly, while the Private Employment Agencies Regulations presents a good idea, in that it puts employment agencies under state monitoring, it does very little in terms of imposing actual rules onto the employment agencies that would serve the purpose of worker protection. Self-regulation can never be considered a sufficient enough tool for the regulation of an ethical running of employment agencies, because those who are tasked with enforcing it do not possess the necessary tools, and may moreover have a conflict of interest. An additional problem is that the costs for first and continued registration of an employment agency appear to far exceed the penalties imposed for illegal operation of an employment agency, which must be rectified in order to ensure greater compliance with the regulation. In terms of bilateral relations, the Kenyan government seems to find it hard to follow a clear line. Even though the issue of human trafficking is addressed with governments in the Gulf region and elsewhere, ultimately, the Kenyan government did for a long time not look prepared to risk economic repercussions over increased rights for their low-skilled workers abroad, as a travel ban was retracted and later

replaced by a recruitment ban that was seemingly not respected by recruitment agencies. Lastly, another main source of vulnerability consists in Kafala system immigration laws. The Kenyan government must address that the restrictions placed especially on the freedom of movement of workers, as well as their subsequent incarceration, cannot constitute a basis for bilateral co-operation.

### **Vulnerability through lack of institutional commitment**

A last issue around vulnerability concerns the commitment of state institutions to protect victims and potential victims of human trafficking. For instance, as of now, Kenyan embassies in most cases only seem to provide bare necessities to human trafficking survivors who ask for assistance, even though there are legal provisions in place to provide for medical treatment, legal redress and repatriation. Evidence suggests that even though on a political level much is being done to prevent Kenyan migrant workers from becoming victims of trafficking, this progress is often undone on the enforcement level. Corrupt officials, who hold key positions in many institutions, such as the embassies, the Ministry of Labor, the Immigration Offices and the Airport Authority, undermine efforts when they accept bribes or extort money from both migrants as well as agents in Kenya. Many Kenyans furthermore do not put their trust in police, or do not expect to receive help from them, which is unfortunately a substantiated suspicion judging by the account of one of the interviewees. In the end, it is not enough to have a legal framework in place to bring about change. Institutions such as police, immigration and embassies need operational frameworks, which ensure that whenever they encounter a victim, the same routine of assistance is followed. Judging by the account of the participants, this is not provided for as of now. On top of that, institutions must follow their law enforcement mandate, which for the police includes tracking down of perpetrators. There must furthermore be investigative efforts with regards to recruitment agencies, in which law enforcement need to ascertain their registration status. They also need to conduct undercover investigations, for instance, by posing as potential vulnerable recruits, in order to ascertain whether the agencies respect procedures.

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## Appendices

### Appendix A1 – Interview participant consent form

#### Informed consent agreement

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*Time and date of the interview*

Dear participant,

Thank you for your interest in participating in the study. In order to ensure a fair and fruitful research process, the team would like you to carefully read the below information. If these terms appear acceptable to you, we would be glad to go ahead with the interview and to learn about your experiences.

#### THE PARTIES HEREBY AGREE TO THE FOLLOWING:

- The aim of the study is to explore which factors are crucial in making potential victims vulnerable to trafficking in persons.
- The anonymity of the participant must be guaranteed at all times. To ensure this, the author is to obfuscate the participant's personal information and thereby ensure that identification through a third-party is impossible. The name of the participant, and other personal information not relevant for the completion of the study, shall remain unknown to the author of the study.
- The participant may, without the issuance of a reason, retract or correct the information given during the interview, either in part or completely. This, however, is to be done 4 weeks (28 days) after the completion of the interview the latest.
- The participant authorizes the interviewer to audio record the interview in order to ensure a swift execution of the research project.
- The participant furthermore authorizes the author and interviewers to relay audio recordings to a third party for the purpose of transcription. In turn, the research team are to ensure the confidentiality of any such third party through a contractual framework.
- All audio recordings are to be deleted following the termination or successful completion of the study.
- Any other raw data, such as the transcripts of the interviews, may be retained by the research team for the purpose of academic accountability, but are not to be redistributed or to be otherwise made available to outsiders.

- The author hereby guarantees that the study is carried out for entirely academic purposes and for the benefit of victims of trafficking in persons. HAART Kenya and the research team are prohibited from using the results for any other purposes, above all such that are commercial in nature.
- The participant agrees that any research results obtained through his or her participation may be scientifically analyzed and published by HAART Kenya and the research team.

The research team of the study **Exploring migration related vulnerabilities to crime among Kenyan victims of trafficking (VoT): a victimology** (working title) hereby declare to honor the conditions stipulated above.

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*Author's signature*

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*Interviewer's signature*

The participant hereby declares having understood the information presented to him or her and to agree to participate in the study under the conditions stipulated above.

---

*Participant's signature*

## Appendix A2 – Interview form

### Participant data form

Time and date of interview: \_\_\_\_\_

#### Part I: Participant bio-data

Age: \_\_\_\_\_ Gender: M ☐ F ☐ Other ☐ \_\_\_\_\_

(at time of incident)

Disabilities/Chronic illness: Mental ☐ Physical ☐ \_\_\_\_\_

(at time of incident)

#### Part II: Migration background in connection with the trafficking incident

1. The participant fell victim to the trafficking crime ..

at the place of origin or residence ☐ at another place within Kenya ☐ abroad ☐

2. The location where the participant was exploited is in a(n) ..

rural area ☐ urban area ☐ Specify : \_\_\_\_\_

3. The participant's usual place of residence at the time of the incident was in a(n) ..

rural area ☐ urban area ☐ Specify : \_\_\_\_\_

**Some initial remarks to be made before the interview**

Dear (name of participant),

I am Mario, the author of the study you have been contacted about. On behalf of me, the interviewer will read a brief statement to you, in order to inform you about the purpose of the study and your rights as a participant.

I would first like to thank you for signaling your interest to take part in the interview and for taking your time to be here today. Through your participation you would help me understand what factors are crucial in identifying potential victims of trafficking crimes inside and outside Kenya. These facts could advance the knowledge of those seeking to assist victims, and may later even aid in designing programs to combat human trafficking.

In order to better understand why particular persons become victims of trafficking, researchers must get to know the lives of those affected by it. As a consequence, a number of questions will address parts of your private life, which I understand could make you uncomfortable. Rest assured that I do not expect you to answer questions that make you feel this way, and that any information you chose to release will be anonymized to the furthest degree possible.

For example, the final report will not disclose your name, and indeed it even remains unknown to me as the author of the report. In addition, your account will be obfuscated in such a way that the information you give to the interviewer cannot be assembled back together. By that I ensure that another person cannot identify you through your story.

You should know that the interviewer will audiorecord your conversation. This makes it easier to capture big amounts of information, which could otherwise be forgotten. The recording will afterwards be transcribed by a professional outside the organization, whose confidentiality will be assured by contract.

After transcribing the interview, and following the completion of the study, the audio records will be destroyed. For reasons of academic accountability, the digital transcripts, which hold the written information, will remain in the possession of the research team, but will not be shared with other organizations or persons.

I want to encourage you to talk in detail about the questions posed to you today, as there is no such thing as useless information. If you think, however, that something you'll say today was not completely correct, or if you have second thoughts about your participation, you may withdraw or correct anything you stated either in part, or completely via the information given to you on the informed consent form.

Lastly, since the results of this study may be relevant to other researchers and organizations, they may get published at a later point. In the event that you would like to read the final report, but do not have internet access, do not hesitate to contact HAART via phone, or in person at one of the offices in South

B.

Thank you again for participating, and do not hesitate to ask the interviewer if anything remained unclear.

**To interviewer:** Unless specified otherwise, please read out the question as it is stated on the questionnaire, then let the respondent answer in his or her own words. At the end of the statement, check if the information answers the questions posed in the checklist. If yes, proceed to next question, if no clarify with the interviewee.

### Phase I: Pre-trafficking

1. Before being affected by human trafficking for the first time, what was your knowledge of the practice?

#### Checklist:

- Did you learn about the existence of human trafficking before the incident, even if the term was maybe unknown to you?
- Did you have any misconception about human trafficking in terms of who it might affect, where it might happen and what it involves?
  - If yes, where did the misconception stem from?
- Did you have regular access to mainstream sources of information such as newspapers, radio and internet before the incident?
  - If yes, which sources of information did you use and how often?

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-

2. What was your standard of living before your first encounter with human trafficking?

Note: Please go through the checklist first, afterwards ask the respondent if he or she has additional information to be added in relation to the above question.

#### Checklist:

- How many persons lived in your household and what was their role towards you (e.g. parent, cousin, sibling, friend)?

**Including the respondent himself:**



- o Please indicate the age and gender of all household members
  - o Did your accommodation offer enough space to live for all household members?
  - o Who did you perceive to be the head(s) of your household?
    - How did you rate the available infrastructure in your area of residence?
  - o Did your household have access to electricity and running water? (access = available closeby and affordable)
  - o Did your household have access to education and healthcare? (access = available closeby and affordable)
  - o As how safe did you perceive your neighborhood in terms of crime?
  - o How did you rate your chances of finding adequate employment on the Kenyan job market at the time? Please explain your verdict.
    - How did you rate your economic situation at the time?
  - o How many household members contributed towards the household income?
  - o What was the occupation of those household members who contributed financially?
  - o What was the level of education of all household members?
  - o What was your level of access to personal or household financial resources?
  - o Did you have any outstanding loans or personal debt to pay back to a creditor?
  - o Did you have any other financial obligations towards persons inside and outside your household (e.g. tuition fees, alimony, sponsorship, contributions to wedding/funeral) or did somebody have one towards you?
  - o Were you and your household able to cover running costs and could you save money for future investments?
    - In your own words, how content were you with your living standard at the time?
- 

3. Were you a member of any sort of association or union dedicated to welfare or economic support before the trafficking incident?

**Checklist:**

- Were you a member, customer or profiteer of a ...?
  - o Sacco/Credit union
  - o Trade union
  - o Welfare organization
  - o Insurance scheme
  - o Employment exchange, including online groups (e.g on Facebook or other services)

- Any government sanctioned welfare program
    - The National Employment Bureau (NEB)
  - If not, was the existence of such institutions known to you and were there factors barring you from joining them?
- 

4. Except for monetary reasons, were there other factors, positive or negative that motivated you to either seek or make use of the opportunity that then turned out to be a trafficking scenario?

**Checklist:**

- Positive aspects:
  - Did you intend or desire to learn a new language?
  - Were you keen to explore a different culture and landscape?
  - Did you have friends or relatives in the destination area?
  - Did you seek to advance your professional skills?
- Negative aspects:
  - Were you ever subject to abuse, either physical (including sexual) or verbal, or was somebody exerting control over you?
  - Were you discriminated against based on your age, gender, ethnicity, tribal or political affiliation, disability or religion?
  - Were you affected by an addiction, for instance, to medicine, drugs or gambling?

**Phase II: Peri-trafficking**

1. Who was/were the person(s), who first made you aware of the job opportunity that lead to your trafficking?

**Checklist:**

- Was the person of the same gender and of a similar age as you?
- Was the person a stranger or an acquaintance of yours?
  - (If stranger) Where and on what occasion did the person(s) present themselves to you?
    - Did the person present any credential or token of authority to you?
    - Did the person seem driven to learn

more about you, for instance your career ambitions or financial situation?

○ (If acquaintance) How close was your relationship with this/those person(s)?

■ (If not relative) How did you know each other?

■ How well was the person informed about your standard of living and other aspects of your private life?

- Did you trust the person(s) who offered the job and did they do anything to earn that trust from you?
  - Did the person urge you or put you under pressure to take the job, rather than just offering it or did they do anything else that convinced you to take up the offer?
  - Could you imagine that this person was involved in or responsible for your trafficking?
- 

2. Please describe the recruitment process from the moment you showed interest in the job offering.

**Checklist:**

- Did more persons or an agency get involved in the process?
- Were you informed of any requirements to work abroad such as a work permit, visa, or work contract and what responsibilities this would bring for you? Did you understand this information?
- Did somebody organize the travel documents for you or was it your responsibility?
  - (If self-organized) Did the issuing institution warn of trafficking in the destination country?
  - Was a contract signed that stipulated the wages, work to be performed and the rights and obligations of both parties?
  - Were these documents made available to you in your native language or another language you are proficient in?
  - Did you have to pay for any services such as tickets and medical certificates?
    - (If yes) Were receipts issued for any transaction taking place?
    - Were you able to make this payment right away, or was it turned into a liability?
    - Did somebody help you to make the payment?

3. Please describe the journey from your place of origin to the place of your exploitation

**Checklist:**

- What form of transportation did you use?
  - Were you accompanied by (an)other person(s), and if so, by who?
  - Did you establish new relationships that later played a part?
  - Did the service provider (e.g. airline or bus company) issue any travel warnings with regards to human trafficking?
  - Was the place of exploitation your intended final destination, or did you intend to travel to somewhere else?
  - Did you have plans to continue your migration upon, or sometime after your arrival at the place of exploitation?
  - What sort of work or entry permission was used?
    - Were these permission valid for your purpose of stay?
    - Was your stay in the country subject to conditions?
- 

4. Did you encounter discrimination or verbal or physical abuse based on your age, gender, ethnicity, disability, religion during any time of your trafficking?

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5. At any point during the period when the trafficking took place (from the recruitment to the flight from the situation), did you either encounter or get in contact with local law enforcement (police or border patrol) or other state officials? What was your experience?

**Checklist:**

- Did an official inquire about your purpose of stay and the modalities of your travel?
- Did an official show signs of involvement in the trafficking or was there an abuse of power? (e.g. taking bribe from you or somebody travelling with you)
- Did an official demand money in exchange for helping you when identifying yourself as victim of a crime?
- Did an official simply dismiss you when you presented your case?
- Did an official threaten you over your immigration status or a law you had supposedly broken?

6. Did you seek any sort of help through a Kenyan embassy or consulate while abroad?

**Checklist(if yes):**

- How accessible was the embassy or consulate to you in terms of where it was located and at what times they were available in person or on the phone?
  - Was the embassy prepared to react to cases of trafficking of Kenyan nationals?
  - Which services did the embassy offer in order to resolve your situation?
    - Did they facilitate transport back to Kenya
    - Did they offer legal help?
    - Did they propose counseling services?
    - Did they show concern for your health and well-being?
- 

7. Which were your obstacles in escaping the situation at the place of exploitation?

**Checklist:**

- Did you have personal reasons for not taking action, for instance, because you felt you could not come home empty-handed?
  - Did somebody restrict your freedom of movement, for instance, through fencing, taking your phone or IDs, or by abusing you?
  - Were there circumstances that prevented you from leaving, for instance, your location of residence, a lack of resources to return home, you not being able to communicate in the language of the host country or bad health)
- 

8. During the time the exploitation took place, did you encounter or reach out to persons who were sympathetic to your situation and who wanted to help? Were there persons who you would have expected to help, but who let you down?

**Checklist:**

- Could your situation be resolved through a third-person, either in the host country or Kenya?
  - Were there any persons who showed willingness to help but were in a position of vulnerability themselves, for instance, because they were being controlled by the same person?
- 

9. How was your trafficking situation eventually resolved?

**Checklist:**

- Were you asked to recruit somebody else as a condition for your release?
  - Did somebody set any other sort of condition for your release?
- 

**Phase III: Post-trafficking**

1. Following the trafficking incident, did you notice negative effects on your mental or physical health? Please describe.

**Checklist:**

- Physical symptoms: any sort of physical injury, e.g. wound, fractures, aches, infections...
- Mental symptoms: Experiencing, for instance, anger and aggressions, bad sleep, flashbacks, short memory, anxiety, dullness, feeling detached, social isolation (over an extended period of time, and feeling unable to control these symptoms)

1.1 (If yes) Did you attempt to treat the condition, either abroad or in Kenya? What challenges did you face in doing so?

---

2. Have you informed other persons such as family members, friends or neighbors of what

happened to you? What was their reaction, and did you get emotional or other (for instance, monetary or logistical) support to cope with your situation?

---

3. Have you informed law enforcement or other state services in Kenya of what happened?

3.1. (If yes), were the officials willing and able to help? (If no), what was the reason you decided not to make use of these services?

---

-

4. Have the persons you know or believe to be responsible for your trafficking approached you a second time or has somebody else since tried to approach you in an attempt to recruit you for a job (possibly with the aim of trafficking you again)?

---

5. As of now, what difficulties and what success have you experienced in moving on with your life after the incident?

**Appendix A3 – Confidentiality agreement interpreter**

**CONFIDENTIALITY AGREEMENT**  
**Translation Services**



I, \_\_\_\_\_, the interpreter, agree to maintain full confidentiality in regards to any and all contents of the interviews translated for HAART Kenya on April 20<sup>th</sup> and April 27<sup>th</sup> 2017. Furthermore, I agree to hold in strictest confidence the identities of all individuals that may become known to me as a result of translating the conversation between the interviewer and the interviewee;

Date \_\_\_\_\_

Signature \_\_\_\_\_



**Appendix A4 – General agreement transcriber**

**GENERAL AGREEMENT**

over

Transcription Services

The parties to the contract,

Party A: **HAART Kenya**, herein referred to as the contracting authority, and

Party B: \_\_\_\_\_, herein referred to as the contractor,

hereby agree to the following:

1. With the exception of the opening statement read to interviewees in each file, the contractor agrees to fully transcribe in English language the contents of 10 audiotapes provided by the contracting authority.
2. All transcripts are to be completed by May 31<sup>st</sup>, 2017 the latest. Every finished transcript shall be transmitted immediately via e-mail to: ma.schu.1989@gmail.com
3. The contracting authority will reimburse the contractor in the amount of 1000 Kenyan Shillings (Ksh) per hour.
4. The contractor agrees to maintain full confidentiality with regards to the content of all audiotapes provided by the contracting authority.
5. The contractor is to ensure that no third-party can gain access to the contents of the audiotapes and transcripts. Any failure to comply with this requirement is to be reported to the contracting authority immediately.
6. The contracting authority retains full ownership of the audiotapes provided to the contractor; the contractor is to delete these audiotapes as well as all corresponding project files (including those created through software tools) within 14 days following the completion of the project.

7. The contracting authority moreover takes full ownership of the completed transcript files following their submission by the contractor. Any copies and drafts in the possession of the contractor are to be deleted within 14 days following the completion of the project.

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*Party A: Date signed*

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*Party B: Date signed*

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*Party A: Signature*

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*Party B: Signature*

**Appendix A5 – Interview data analysis grid**

	Variables		Interviewee				
			I-1	I-2	I-3	I-4	I-5
<b>Basic data (BD)</b>	BD-1: Age						
	BD-2: Gender						
	BD-3: Disability						
	BD-4: Place of origin						
	BD-5: Place of exploitation						
<b>Phase 1 data (P1D) – Pre-exploitation vulnerability</b>	P1D-1: Previous knowledge	P1D-1.1: Awareness of HT					
		P1D-1.2: Understanding of HT					
		P1D-1.3: Misconceptions of HT					
	P1D-2: Access to information	P1D-2.1: Access to mainstream media					
		P1D-2.2: Reach of media campaigns					
		P1D-2.3: Other sources					
	P1D-3: Household situation	P1D-3.1: Household members					
		P1D-3.2: Head of household					
		P1D-3.3: Habitation standard					
		P1D-3.4: Access to education					

		and health care					
		P1D-3.5: Professional situation					
		P1D-3.6: Level of education					
		P1D-3.7: Household financials					
		P1D-3.8: Other factors					
	P1D-4: Institutional support	P1D-4.1: Memberships					
		P1D-4.2: Non-membership					
	P1D-5: Motivations to take up job offer						
Phase 2 data (P2D) – Peri-exploitation vulnerability	P2D-1: HT Person(s) of first contact (PoFC)	P2D-1.1: PoFC role					
		P2D-1.2: Relationship with PoFC					
		P2D-1.3: Subsequent level of involvement					
	P2D-2: Recruitment process	P2D-2.1: Recruitment methods					
		P2D-2.2: Agency involved					
		P2D-2.3: Procurement of work and travel					

		documents , tickets					
		P2D-2.4: Payment					
		P2D-2.5: Work contract					
	P2D-3: Travel process	P2D-3.1: Means of travel					
		P2D-3.2: Mode of travel					
		P2D-3.3: Reception upon arrival					
		P2D-3.4: HT travel warnings					
		P2D-3.5: Valid work permit					
	P2D-4: Exploitation phase	P2D-4.1: Passport taken away					
		P2D-4.2: Phone taken away					
		P2D-4.3: Physical abuse					
		P2D-4.4: Verbal abuse					
		P2D-4.5: Discrimina tion					
	P2D-5: Resolving of situation	P2D-5.1: Subjects in Kenya involved					
		P2D-5.2: Subjects in host country involved					

		<b>P2D-5.3: Issues faced</b>					
<b>Phase 3 data (P3D) – Post-exploitation vulnerability</b>	<b>P3D-1: Health situation</b>	<b>P3D-1.1: Physical health</b>					
		<b>P3D-1.2: Mental health</b>					
		<b>P3D-1.3: Treatment</b>					
	<b>P3D-2: Support from people close to victim</b>						
	<b>P3D-3: Support from state services in Kenya</b>						
	<b>P3D-4: Re- trafficking risk</b>						
	<b>P3D-5: Processing event</b>						

**Appendix A6 – Declaration of authenticity**

Annex 2

**Declaration of authenticity**

I hereby declare that the dissertation submitted is my own and that all passages and ideas that are not mine have been fully and properly acknowledged. I am aware that I will fail the entire dissertation should I include passages and ideas from other sources and present them as if they were my own.

Name: Mario Schulze

Date and Place: Nairobi, 30.06.2017

Signature: M. Schulze